

SHATTERING THE MYTH:

An Initial Snapshot of Voter
Disenfranchisement in
the 2004 Elections



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ELECTION PROTECTION 2004

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EXECUTIVE SUMMARY

OVERVIEW

The unprecedented voting rights mobilization undertaken by the Election Protection Coalition helped millions of Americans exercise their fundamental right to vote in 2004. In addition to its direct service to voters, the Election Protection Coalition successfully collected data on the myriad of problems inherent in our electoral system and has begun to create, for the first time, a comprehensive picture of the barriers that voters face as they go to the polls. Unfortunately, we have documented systemic problems that resulted in the widespread disenfranchisement of American voters. These unacceptable barriers to voting betray our nation's democratic principles and undermine the fairness of our elections. The rush of relief led by pundits and politicians that the presidential campaign did not extend into a long post-election legal contest must not be permitted to disguise the urgent need for systematic reforms at the national, state, and local levels.

This preliminary summary provides an initial view of the types of reports and problems experienced by the Election Protection Coalition during the 2004 Presidential Election Cycle. To date more than 39,000 complaints have been recorded in the Electronic Incident Reporting System (EIRS) database with thousands more still to be added. These problems must be analyzed, publicized, and remedied. The margin of victory in the Presidential election led to the popular misconception that the election went smoothly; this summary aims to address that misconception by highlighting the problems voters across the nation encountered and gives voice to the disturbingly large number of citizens who were unable to cast a ballot because of obstacles to the ballot box.

The complaints reviewed were captured in the Election Incident Reporting System (EIRS), a database of complaints and incidents recorded through the activities of the Election Protection Coalition. In 2005 Election Protection will release a comprehensive report of the data gathered through EIRS. We will work with both statistical and social science professionals to create a thorough analysis of the barriers Americans face throughout the voting process. In addition to the data collected through the Election Protection Program, the final report will reflect information obtained through the Freedom of Information Act and interviews and hearings with voters and election officials across the country.

ELECTION PROTECTION IN ACTION

Election Protection 2004 was a massive 18-month effort, involving hundreds of organizations and tens of thousands of citizens, to protect voting rights in traditionally disenfranchised communities across the nation. Election Protection mounted extensive field efforts in 17 states. The dramatic scale of this collaborative, non-partisan effort made it the largest ever voting rights mobilization, ten times larger than the legendary “Freedom Summer” of 1965 according to Julian Bond of the NAACP.

People For the American Way Foundation, the Lawyers’ Committee for Civil Rights Under Law, and the NAACP prepared this preliminary summary to highlight the extensive problems voters continue to face in exercising the franchise and shatter the myth that the 2004 Presidential election went smoothly.

Leaders of the Election Protection Coalition include: PFAW Foundation, the Lawyers’ Committee, the National Coalition on Black Civic Participation, the NAACP, the Voter Protection Project of America’s Families United, AFL-CIO, Advancement Project, Working Assets, ACORN, SEIU, LULAC, AFSCME, MALDEF, Wellstone Action, the NAACP Legal Defense and Educational Fund, the League of Women Voters, the National Council of La Raza, and Common Cause.

The scale of Election Protection 2004 was inspiring; the complexity of this multi-faceted undertaking made it extraordinarily comprehensive. Election Protection’s multiple components included:

- Pre-election advocacy, including litigation, grassroots organizing and media
- Large-scale recruitment, training and deployment of 25,000 poll monitors, operating out of 56 field offices, to provide same-day assistance to voters in targeted precincts
- National toll-free Voters’ Rights Hotline (1-866-Our Vote)
- Web sites, including www.ElectionProtection2004, www.mypollingplace.com, and www.ourvote.com
- GOTV and voters’ rights public service announcements and paid radio spots featuring stars such as Angela Basset, Danny Glover and Chris Rock
- Extensive earned media coverage
- Preparations of state specific legal manuals and millions of Bills of Rights summarizing state and local electoral procedures
- Meeting with state and local election officials
- Legal command centers in over 30 states with trained attorney volunteers helping voters on and before Election Day overcome legal obstacles

Advocacy and Legal Activities

Long before Election Day, Election Protection cooperated with election officials to eliminate barriers to the ballot box, and where necessary, battled egregious decisions and tactics that increased the likelihood of widespread disenfranchisement. Through

litigation, grassroots organizing and earned media strategies, the Election Protection Coalition successfully resolved many challenges in voters' favor. For example, in Volusia County and Duval County, Florida, officials were forced to add early voting sites in response to complaints from minority voters. On an on-going basis Election Protection continues to seek prospective election reform through its legal efforts. Other pre-election examples include:

- We attempted to counter pre-election decisions from Secretaries of State and local election officials that affected voter registration procedures and potentially disenfranchised thousands of voters before they ever made it on to the registration rolls or into the voting booth. Some issues were peculiar to a state or locality. One example was Ohio Secretary of State Kenneth Blackwell's ridiculous assertion that registration applications be printed on 80-pound paper, before public outcry, led by local and national Election Protection partners, forced him to back down.
- In Waller County, Texas, we successfully sued the local district attorney when he threatened students from Prairie View A&M with prosecution if they registered as county residents. He publicly retreated from this position as a result of the lawsuit.
- In a flashback to the 2000 Presidential Election controversy over the flawed felon purge list, Election Protection lawyers were involved in efforts to force Florida Secretary Hood to eliminate the use by county election officials of yet another flawed felon list consisting of over 40,000 names. The advocacy of Election Protection partners, coupled with litigation and analysis by media organizations, led the state to scrap the list, resulting in the enfranchisement of tens of thousands of citizens throughout the state of Florida.
- In New Mexico, we supported Secretary of State Rebecca Virgil-Giron's successful battle against attempts by some county election officials to impose additional voting barriers on new registrants, many of whom were Hispanics, by requiring them to show ID unless they registered in their election official's offices. This was an inappropriate extension of the federal requirements of HAVA. Ultimately, this blatant violation of state law was overturned by the State Supreme Court in a lawsuit brought by Secretary Virgil-Giron.
- Election Protection lawyers and others continually challenged in the courts unfair directives issued by state and county election officials limiting the effectiveness of provisional ballots required under HAVA. Challenges were brought in a number of states including Florida, Ohio, Michigan, and Colorado, with mixed results.
- Election Protection lawyers also challenged Florida Secretary of State Glenda Hood's claim that registrants who failed to check the "citizenship" box on their application should be rejected, despite the fact that signing the form itself was a

clear declaration of citizenship. A lawsuit addressing this and similar requirements was dismissed on procedural grounds just before the election. An appeal and additional post-election court proceedings are continuing.

- Election Protection advocates successfully limited the disenfranchising impact of frivolous partisan challengers in Ohio. Election Protection was instrumental in successfully combating approximately 35,000 challenges to validly registered voters before Election Day. In addition to challenging pre-Election Day challengers, Election Protection objected to a directive of the Ohio Secretary of State requiring election officials to allow multiple partisan challengers in the polling place with mixed results.
- Election Protection lawyers successfully challenged the Ohio Secretary of State's directive refusing to allow voters who requested absentee ballots, including many who never received those ballots, to cast a provisional ballot at their polling place. In addition to violating the Help America Vote Act, this directive was particularly nefarious considering that many counties across the state were unable to send absentee ballots to voters in time for those ballots to be cast and counted.
- Election Protection advocates obtained legal opinions from the Iowa Attorney General's office 1) denouncing the Iowa election procedure that denied the right to vote in federal elections to citizens who failed to check a box on the registration form designating U.S. citizenship, even though these citizens signed an oath on their voter registration form declaring that they are U.S. citizens (and otherwise qualified to vote) and 2) calling for all boards of elections to count provisional ballots cast in an incorrect precinct as long as they were cast in the correct county.
- In Atkinson County, Georgia, Election Protection lawyers and advocates responded to discriminatory challenges to the citizenship qualifications of nearly 90% of that county's Latino voters. In response to the legal and activist pressure of Election Protection, the County Registrar rejected the challenges.

Election Day Mobilization

Despite Herculean pre-election efforts, significant challenges remained. The November 1st Barriers to Voting report by PFAW Foundation, Lawyers' Committee, and the NAACP and the pre-election activity of the Election Protection Coalition documented alarming trends on the eve of the election, including:

- Nationwide problems of absentee ballot errors and delays in processing
- Decisions likely to result in leaving thousands of provisional ballots uncounted
- Potential for long lines at polls that could discourage or prevent some people from voting

- A strategy by Republican Party officials to launch last-minute challenges to voter registrations by the tens of thousands in several states, a variation on the so-called “ballot integrity” strategies of the past
- An aggressive strategy to place extraordinary numbers of partisan challengers inside polling places to challenge individual voters as they try to cast their votes
- Anonymous flyers, fake letters and misleading phone calls giving voters false information about polling places and voting regulations, or falsely advising voters to vote by phone
- House-to-house voter scams wrongly informing voters that they can vote on a laptop, record their votes with a visitor or hand over their absentee ballots to fake election officials
- Numerous reports of voter registration workers assigning new registrants to political parties without their knowledge or consent, or of voter registrations being destroyed by private groups on the basis of political preference

Thus, as Election Protection volunteers participated in Election eve trainings, two things were very clear: that they would be called on to deal with county-wide problems and policies as well as assist individual voters who were threatened with disenfranchisement, and that their presence could serve as a vital deterrent, minimizing the potential abuses.

The volunteer mobilization that made Election Protection possible was awe-inspiring; it met, even exceeded in many cities, the extremely ambitious goals set at the beginning of the year. The non-partisan Election Protection coalition recruited, deployed, and managed more than 25,000 volunteers, including more than 8,000 lawyers and law students, in over 3,500 precincts and Hotline call centers around the country to provide same-day assistance to help ensure voters could cast votes that count. In the targeted precincts, volunteers distributed more than five million GOTV pieces of literature that included state-specific Voters’ Bills of Rights.

Election Protection volunteers played a critical role on Election Day:

- Contacting county and local election officials to address machine failures or to get more machines at polling places
- Obtaining the correct precincts and polling places for displaced voters
- Helping to maintain an environment free from harassment and voter intimidation at polling places by:
 - contacting the local police when necessary to remove intimidating persons
 - encouraging the removal of police officers from polling places whose presence was intimidating voters
- Driving voters to their correct polling place
- Monitoring polling place lines and informing the local and county election officials of problems
- Working with poll workers to educate them on proper identification and provisional ballot requirements
- Dispelling myths about voters’ rights, e.g., that a person can’t vote if they have a traffic ticket

- Contacting local and county election officials about insufficient notice of polling place changes, and when necessary, creating signs and personally redirecting voters to the correct places
- Translating voting materials for voters
- Assisting elderly and voters with disabilities by:
 - personally carrying disabled voters from their car so they could vote
 - helping elderly voters to read and understand voting materials
- Reassuring voters while they stood in long lines
- Ensuring that polling places remained open until the last voters cast their vote

Volunteer lawyers and law students fielded more than 200,000 calls from voters through the national toll-free 1-866-OUR-VOTE Election Protection Voters' Hotline. Over 100,000 of those calls were on Election Day. Calls were routed to 20 call centers, from Baltimore to Anchorage, including national call centers in Washington, D.C., New York City, and San Francisco. PFAW Foundation's website, www.mypollingplace.com, helped more than three million voters on Election Day alone determine their voting location and preview the voting machinery they would use.

ELECTION PROTECTION: PROBLEMS DOCUMENTED

While we take comfort in Election Protection's successes, the massive deployment helped expose serious systemic failures. The myth that Election 2004 ran smoothly with limited irregularities is simply not true.

Although there are particularly alarming complaints in all categories, a large proportion of complaints documented in the EIRS database concern voter registration and absentee ballot problems. As documented in two recent joint reports published by PFAW Foundation and the NAACP, voter intimidation and suppression schemes continue to be prevalent nearly 40 years after the passage of the Voting Rights Act of 1965. Election Protection 2004's efforts documented the incredible barriers that continue to confront voters through misinformation campaigns and coordinated suppression tactics.

This report represents a preliminary analysis of the more than 39,000 complaints recorded to date in the Election Incident Reporting System (EIRS) database based on calls to the Voters' Hotline and reports filed by poll monitors in targeted Election Protection precincts. While this number represents many of the incidents collected by Election Protection, the database is incomplete. We continue to receive complaints and there are thousands still to be entered. It is important to note that each EIRS entry often reflects a problem that affects many, sometimes hundreds, of voters.

Election Protection targeted traditionally disenfranchised communities across the nation. We mounted extensive field efforts in 17 states: Florida, Ohio, Pennsylvania, Arizona, Michigan, Wisconsin, New Mexico, Illinois, Colorado, Minnesota, Nevada, Missouri, Texas, North Carolina, Louisiana, Georgia, and Arkansas. Therefore, the problems

surfaced by our volunteers and through our toll-free Hotline calls represent only the tip of the iceberg.

The top five currently-reported problems in the EIRS database are:

- Registration Processing
- Absentee Ballots
- Machine Errors
- Voter Suppression or Intimidation
- Provisional Ballots

More than ten thousand reports of registration problems: Complaints ranged from voters who registered by the registration deadline but did not show up on the voter lists to many reports of registration cards with incorrect information, including the location of polling places.

Thousands of complaints concerning absentee ballots: Voters complained about absentee ballots that did not arrive within the official deadlines, arrived far too late for the voters to use them, or simply never arrived. Most egregious was Ohio Secretary of State Kenneth Blackwell's decision to turn such voters away from the polls on Election Day without allowing them to vote with a provisional ballot. Election Protection lawyers filed suit, which was successful in forcing the state to require poll workers to provide provisional ballots to those voters.

Thousands of complaints concerning voting system errors: Many voters reported concerns that the machines did not accurately record their choice in the presidential and other races or did not record their votes at all. Without a voter-verified audit trail, voters could not confirm that their votes had been recorded as they intended.

More than a thousand complaints of voter suppression or intimidation: Complaints ranged from intimidating experiences at polling places to coordinated suppression tactics. For example:

- Police stationed outside a Cook County, Illinois, polling place were requesting photo ID and telling voters if they had been convicted of a felony that they could not vote.
- In Pima, Arizona, voters at multiple polls were confronted by an individual, wearing a black tee shirt with "US Constitution Enforcer" and a military-style belt that gave the appearance he was armed. He asked voters if they were citizens, accompanied by a cameraman who filmed the encounters.
- There were numerous incidents of intimidation by partisan challengers at predominately low income and minority precincts
- Voters repeatedly complained about misinformation campaigns via flyers or phone calls encouraging them to vote on a day other than November 2, 2004 or of false information regarding their right to vote. In Polk County,

Florida, for example, a voter received a call telling her to vote on November 3. Similar complaints were also reported in other counties throughout Florida. In Wisconsin and elsewhere voters received flyers that said:

- “If you already voted in any election this year, you can’t vote in the Presidential Election.”
- “If anybody in your family has ever been found guilty of anything you can’t vote in the Presidential Election.”
- “If you violate any of these laws, you can get 10 years in prison and your children will be taken away from you.”

More than a thousand complaints concerning provisional ballots: There was widespread confusion over the proper use of provisional ballots, and widely differing regulations from state to state—even from one polling place to the next—as to the use and ultimate recording of these ballots. Many voters reported that poll workers were either refusing to give out provisional ballots or simply unaware of the federal requirements to distribute provisional ballots. Notably, many voters who complained of not being listed on the voter registration list subsequently complained either about not being offered provisional ballots or of not knowing whether they would ultimately be counted.

Voters with disabilities and those in low-income areas and precincts with a high percentage of minority voters experienced other significant barriers to voting. Among the problems reported by voters and Election Protection poll monitors:

- **Long Lines:** We received numerous complaints of long lines and waits of up to ten hours to cast a ballot, especially in urban districts with too few voting stations. The lines inevitably led to untold numbers of voters who were disenfranchised because they could not afford to wait, and had to return to their jobs or their children before they had a chance to cast a vote. Further, reports of these long lines discouraged large numbers of voters from even attempting to cast their vote. Voters faced not only long lines, but also antiquated and faulty equipment and polling places with too few adequately trained poll workers or voting machines. In some minority communities there appeared to have been inequitable distribution of voting machines and Election Day resources that likely contributed to longer lines.
- **Disability Access and Disenfranchisement:** There were many reports of difficulties for voters with disabilities, from physical access to the voting booth to the denial of necessary materials and assistance in the voting process itself.
- **Inaccurate Guidance:** We received numerous reports of voter registration cards or other official materials directing voters to the wrong precinct, where they sometimes waited in line for hours only to find themselves directed to another long line at a different precinct.

- **Language Assistance:** We received complaints about not having ballots and voting materials in Spanish and other languages in violation of the Voting Rights Act or state and local election law.

LOOKING FORWARD: ELECTION PROTECTION AND AN AGENDA FOR CHANGE

It is critical that we not lose the tremendous momentum that Election Protection has built among volunteers, activists and citizens, nor lose the advantage of the public and media spotlight that is focused on election problems. PFAW Foundation, the Lawyers' Committee, and the NAACP will work with their allies to implement a multifaceted post-election strategy to identify, document, and find remedies to disenfranchisement. This document is an initial report on information collected by poll monitors, attorneys, and individual voters to begin to identify a comprehensive legal and legislative strategy for reform.

Among the areas of activity are:

- Documentation of voting irregularities and voter suppression efforts as well as systemic inequities regarding voting machines and related resources in communities of color, including comprehensive analysis of the Election Information Reporting System (EIRS) data, submission of public record requests, and public hearings in eight target states; and,
- Pursuit of remedial relief through litigation; organizing at the national, state, and local levels; and advocacy of a reform agenda.

Documentation of Voting Irregularities, Voter Suppression Incidents

Comprehensive Analysis and Report

This preliminary summary is the first step toward the publication of a comprehensive report documenting the variety and extent of problems as well as the scope of Election Protection efforts. We will work with both statistical and social science professionals to create a thorough analysis of the barriers Americans' face throughout the voting process. Sources for that report will include the Electronic Incident Recording System (EIRS) database as well as information obtained through the public information requests and hearings discussed below.

Public Records Requests

Election Protection is beginning an effort to request and examine public records relating to possible voting irregularities, including county-level information related to discrepancies between the number of registered voters and recorded ballots, as well as any directives on how absentee and provisional ballots would be evaluated, accepted, or rejected. Our initial requests reflected problems identified by volunteers on the ground as

well as media reports; we expect continuing analysis of the data will identify additional areas for research.

Another important research project will use public record requests and other methods to document and analyze what appear to be major inequities in the number of voting machines, ballots, staff, and voter education resources per capita in urban communities of color versus wealthier suburban communities. Documenting the extent of these inequities and the disenfranchisement they caused could provide the basis for legislative proposals as well as possible litigation.

Public Hearings

Election Protection is working with allied organizations to plan and conduct a series of public hearings in at least eight states (Ohio, Florida, Pennsylvania, Arizona, Michigan, New Mexico, Colorado and Texas), which will allow us to gather additional information on inequities, irregularities, and voter suppression efforts, and to keep voting problems and the people affected by them before the media. The first well-attended hearings were held in Columbus, Ohio, on November 13 and 15, and brought to light memorable first-person stories, such as authorities towing vehicles of voters standing in long lines, as well as reports from voting officials, such as a precinct worker who reported receiving half as many voting machines in 2004 as the precinct had in 2000 despite knowledge of dramatic increases in voter registration and expected turnout.

Remedies and Reform

Achieving the kind of fundamental electoral reforms necessary to ensure that every eligible voter has an opportunity to vote and to have that vote counted will require a systematic multi-year campaign that will include litigation, legislation, and mobilization of advocates for reform at the local, state, and national levels.

Legal Action

Election Protection lawyers are pursuing and exploring litigation on a variety of election issues. Currently pending, for example, is a lawsuit challenging the misapplication of the “50 foot-rule” in Palm Beach County, a challenge to Department of Homeland Security limitations on voter registration outside citizenship ceremonies, a lawsuit challenging arbitrary rules leading to the rejection of thousands of provisional ballots in Cuyahoga County, Ohio, and litigation challenging the rejection of thousands of voter registrations in Florida, including many that were rejected if voters did not check a citizenship box, even though the same form included a signed affirmation of citizenship. In Ohio, Florida, and elsewhere, we are actively exploring litigation on absentee ballot problems (we have already cooperated with the ACLU on a preliminary challenge in Florida around Election Day), failure to provide access or assistance to voters with disabilities, additional registration issues, problems in the casting and counting of provisional ballots, and long lines in minority communities.

Election Protection is also supporting the efforts of the Electronic Frontier Foundation and others to obtain backup data from DRE electronic voting machines in counties in

Florida, Ohio, Pennsylvania, and New Mexico, which has already led to additional litigation.

We have applauded the federal Government Accountability Office's decision to investigate systemic voting problems as requested by several members of Congress, and we have urged GAO to continue to evaluate the performance of the Department of Justice in this area. (A September GAO analysis reported that DOJ lacked a consistent internal system for documenting and tracking reports of voting problems.)

Reform Agenda

In addition to pursuing remedies through litigation, Election Protection is developing a comprehensive agenda of necessary policy changes at the local, state, and national levels, as well as a plan of action to advance these reforms in the coming months and years.

This election cycle provided Election Protection an opportunity to observe and monitor the impact that the Help America Vote Act (HAVA) had on election administration at the national, state, and local level. While the Coalition will continue to work with policy makers to ensure that the protections HAVA requires are enforced, we will use our experience to illustrate the strengths and weaknesses in the Act.

As mentioned above, the Coalition engaged in unprecedented data collection providing a picture of voting irregularities that will serve as a record for election reform. Consequently, it is critical that efforts to reform our electoral system are not constrained by HAVA. While we continue to support existing legislative voter protections, we must start anew and develop policy and legislative recommendations that address the totality of obstacles that Americans face in their exercise of the fundamental right to vote.

Among our preliminary recommendations:

National recommendations

- Full funding for the Help America Vote Act (HAVA)
- Increased support for voter education campaigns
- Immediate development of the technical guidelines for voting systems by the Election Assistance Commission (EAC)
- Support for required voter verified audit trails for all voting systems
- Public hearings by Congress, the EAC and possibly the Federal Election Commission
- Support for a report by the General Accounting Office on voting irregularities throughout the country

State and County Recommendations

Develop an election reform agenda for suggested changes to local, county and state election procedures to be submitted to respective election officials and legislators where necessary. Probable areas of concern include:

- absentee ballots

- distribution of voting machines and access to Election Day resources in minority and low-income areas
- registration procedures and application processing
- recruitment and proper training of poll workers on numerous issues, including but not limited to provisional ballots and ID requirements
- accurate and centralized statewide voter registration lists
- identification requirements
- enforcement and improvement of anti-voter-intimidation laws
- removing election administration from the portfolio of partisan officials

A CLEAR STANDARD AND A MORAL IMPERATIVE

Thousands of Americans from all walks of life joined the multiracial, multiethnic Election Protection coalition to insist that every eligible American be guaranteed the right to vote and to have that vote counted. Those volunteers have gathered concrete evidence and deepened our understanding of the problems facing voters, from inadequate and inequitably distributed machines to incompetence or malfeasance by public officials, to outright voter intimidation schemes.

It is clear that our voting system falls short of our democratic ideals. Local standards vary, national standards are unevenly applied, and inequities and uncertainties abound. Procedures for registration are unnecessarily complicated and daunting for new voters; election workers and poll workers are too few and inadequately trained; same day remedies for voters are rare and difficult to implement; there are few quick remedies to resolve instances of voter intimidation and suppression; and in many areas a strong voter turnout simply overwhelms the system and leads to disenfranchisement of thousands of eligible voters.

Election Protection and its allies are working to advance meaningful reforms at the state, local and national levels. We must remove barriers to voting, bring ever-increasing numbers of voters to the polls and foster an atmosphere where attempts at voter intimidation are criminally prosecuted and universally condemned.

Our goal is simple and should be unquestioned in the United States of America: an electoral system that guarantees every citizen the right to vote and facilitates rather than frustrates every citizen's ability to cast a vote that is fairly and accurately counted. Achieving this goal is the responsibility of our public officials, and we will work to hold them accountable for meeting this standard.

ELECTION PROTECTION 2004: STATES AT-A-GLANCE

INTRODUCTION

The following reports describe problems encountered by voters in the 17 states in which the Election Protection Coalition mounted extensive ground operations. These states are Florida, Ohio, Pennsylvania, Arizona, Michigan, Wisconsin, New Mexico, Illinois, Colorado, Minnesota, Nevada, Missouri, Texas, North Carolina, Louisiana, Georgia, and Arkansas. The state-by-state reports summarize and provide examples of the more than 39,000 complaints recorded to date in the Electronic Incident Reporting System (EIRS) database as reported by voters and by Election Day volunteers in the field and on the Voters' Hotline.

This is a preliminary snapshot of complaints reported through the EIRS as of November 24, 2004. In 2005 Election Protection will release a comprehensive report of data gathered through the EIRS. We will work with both statistical and social science professionals to create a thorough analysis of the barriers Americans' face throughout the voting process, based on EIRS data, information gathered through public records requests, and interviews and hearings with voters and election officials across the country.

TIER 1 STATES

Florida Election Protection At-a-Glance

Florida Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Florida. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in the following counties, in descending order of number of complaints received:

- Broward
- Palm Beach
- Miami-Dade
- Duval
- Hillsborough
- Orange
- Leon

Based on the EIRS database, voting problems encountered in Florida included:

- Election official failures to deliver absentee ballots to voters who requested them and confusion about what to do for those who had not received them;
- Improper requests for identification;
- Problems with early voting, including long lines at the early voting locations, inadequate staffing, and machine failures;
- Voter registration related problems;
- Confusion about how to implement provisional ballot requirements;
- Concerns about the accuracy and functioning of voting machines;
- Some poll workers who were, at best untrained, and at worst, actively dissuading voters from casting votes; and
- Lack of required assistance for disabled voters.

Pre-Election Day Legal Activities

Leading up to Election Day, critical decisions were made by the courts, Secretary of State Glenda Hood and Supervisors of Elections throughout the state that had a significant effect on the vote. These decisions included:

- A federal judge rejected on procedural grounds a claim on behalf of thousands of Florida voters that their failure to check off boxes on their voter registration forms for U.S. citizenship, felony status or mental capacity was immaterial in light of their having signed their registration forms affirming their citizenship, mental capacity and felony status. This ruling is still on appeal.
- The State of Florida initially ordered the implementation of a "potential felon" purge list to remove voters from the rolls, in a disturbing echo of the infamous 2000 purge, which removed thousands of eligible voters, primarily African-Americans, from the rolls. The state abandoned the plan after pressure from civil rights groups and news media investigations revealed that the 2004 list also included thousands of people who were eligible to vote, and heavily targeted African-Americans while virtually ignoring Hispanic voters.
- A number of other pre-election lawsuits were filed with mixed results. For example, a federal judge granted a temporary restraining order against the Department of Homeland Security and the City of Miami Beach, which had refused to allow non-partisan groups to register new citizens outside a citizenship ceremony. Lawsuits challenging Florida's rule requiring that voters cast provisional ballots only in the correct precinct were unsuccessful. A lawsuit challenging the state's failure to set forth rules providing for recounts in counties using electronic voting machines was successful, although a challenge to the rules ultimately promulgated has not succeeded.

Early voting in Florida also presented new challenges for the voting system and those in charge of it. The following is a snapshot:

- Pressure from members of the EP coalition led to Duval and Volusia counties opening additional early voting sites. Duval initially had only one such site. Other counties with a comparable number of registered voters had nine early voting sites. Duval County has the highest percentage of African American voters -- 26 percent -- among Florida's large counties.

- Florida began early voting on October 18, in part to address the issues that plagued its Election Day in 2000. But some of the same problems resurfaced almost immediately, including long lines, trouble verifying voter registration data, lost computer connections, and complaints about placing too few early voting sites in African American neighborhoods.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Florida.

Absentee Ballot Problems: EP volunteers helped voters with questions and complaints regarding the use of absentee ballots. There were voters (1) who had problems when they requested absentee ballots, (2) who did not receive absentee ballots in time to vote, or (3) who received ballots they did not request. A disproportionate number of these reports originated from Broward County. There were several cases of military voters not receiving their absentee ballots. Below are examples of the kinds of complaints EP volunteers received:

- Up to 15,000 voters did not receive their absentee ballots in the mail in Broward County. The county had to resend some ballots and other voters were not able to vote at all because they did not receive their ballots in time. [Broward]
- Voters reported that while the envelope on the absentee ballot said that it required 60 cents in postage, it really cost 83 cents. (This problem was later addressed by the county.) [Broward]

Voter Registration Problems and Questions: EP volunteers helped voters with problems related to voter registration. There were voters who thought they had registered but had not received cards in the mail, and voters who were not included on the list of registered voters. Many of the registration problems were reports from voters who had moved and were unclear about their registration status and proper polling place or voters who registered through third-party organizations. There were also many reports of lost registration cards and registration cards with incorrect information on polling places. Below are some examples of the kinds of complaints EP volunteers received:

- A voter in Broward County had recently moved from Dade County. He tried to change his voter registration on several occasions, but never received a card. On Election Day, he went to Dade to vote, but they said he was on the list for Broward County, but with no precinct. The voter was unable to vote. [Broward]
- Several University of South Florida students who signed a petition on increasing penalties for child molestation had their voter

registration changed to Republican without their knowing it.
[Hillsborough]

Voter Intimidation/Suppression: EP volunteers received complaints about suspected voter intimidation or unusual election-related activities. This category includes reports from voters who were prevented or discouraged from voting by election officials or third parties at the polls or by misleading information distributed in their community. We received several reports throughout Florida of police and sheriff presence at polling places that concerned voters. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- There were numerous reports of misleading information.
 - Voters received calls telling them to vote on November 3.
[Polk; Palm Beach]
 - A voter reported that someone told her she had voted in the wrong location and that she would be arrested and fined.
[Orange]
 - A group was going around telling voters that they had until November 18th to vote. [Duval]
- Several voters of color reported that they were harassed and intimidated while trying to vote. An African-American male was searched for weapons when entering the polling place and no other voters appeared to receive the same treatment. [Alachua]

Provisional Ballot Problems: EP volunteers received complaints about provisional ballots from voters, ranging from inquiries into the provisional ballot system to workers unevenly applying or not understanding the new provisional ballot requirements. In some instances, voters requested provisional ballots and poll workers refused to provide them or provided them and then told the voter that “they wouldn’t count anyway.” Below is an example of the kinds of complaints EP volunteers received:

- Voters were denied the right to vote, even provisionally, because the voter’s address on the driver’s license did not match the address on the voter’s registration information. [Miami-Dade; Orange]

Voting Machine Problems: EP volunteers received reports about problems with voting machines. Voters complained that machines were not working properly, were not recording their intended votes or had completely shut down on Election Day. Paper ballots were used in some instances when machines broke down, but this was not standard practice. There were particular problems with voting machines during early voting. Below are some examples of the kinds of complaints EP volunteers received:

- During early voting and on Election Day, voters expressed concerns that the machines were not properly recording their choices for President. [Palm Beach; Miami-Dade; Broward; Pinellas]
- We also received reports about optical scanners not working properly and voters having to drop their ballots into a box to be scanned later in some cases. [Brevard; Leon]

Identification Problems: EP volunteers helped voters with problems and questions related to identification requirements. During early voting and on Election Day many voters, particularly in Hillsborough and Miami-Dade Counties, reported that voter ID requirements were not being implemented appropriately. Poll workers were misapplying identification procedures, turning voters away who met the state's identification mandates. EP volunteers helped clarify the voter ID and registration card requirements for voters.

Disabled Access and Assistance Problems: EP volunteers received questions and complaints related to disability access and assistance. These incidents highlight the range of issues around state and federal laws on disability access to voting, including polling place accessibility and personal assistance. Florida experienced not only uneven application of these laws, but some counties also seemed unprepared to deal with the long lines that occurred during early voting. With the long lines, EP volunteers received many reports related to the elderly and disabled leaving lines because they could not stand for long periods of time.

Criminal Status Related Problems: EP volunteers answered questions related to criminal status. There were voters with felony convictions who were unsure about their eligibility status, and those who had never been convicted of a felony who were identified as ineligible to vote. People were further confused because of efforts over the summer by the State of Florida to purge voter rolls of felons from a flawed felon list.

Student Status Related Problems: EP volunteers answered questions related to student status. Those helped were students with questions about registration and those having problems at the polling places. Below is a particularly troubling example of the kinds of complaints EP volunteers received:

- University of Southern Florida and University of Tampa college students were turned away at the polling place and denied provisional ballots. [Hillsborough]

Insufficient Number of Ballots: Voters reported insufficient provisional ballots in Hillsborough, Miami-Dade and Brevard County

Language Issues: EP volunteers received complaints about lack of assistance for voters with limited English skills.

Long Lines: EP volunteers received complaints about long lines. Long lines were evident in Florida from the start of early voting through Election Day. Of particular concern were reports of elderly and disabled voters waiting in long lines during hot weather and a lack of clarity on the part of poll workers about special accommodations that could be made for these voters. Many of the long lines appeared to be associated with inadequate or malfunctioning electronic voting machines and poll workers were not properly trained to address the problems.

Late Opening and Early Closing: EP volunteers received reports of polls opening late or closing early. We received reports during early voting and on Election Day. Fortunately, late poll openings did not appear to be widespread in Florida during the general election.

Polling Place Problems: EP volunteers helped voters with problems that arose at the polling place. There were voters who were trying to exercise their legal rights outside of polling places, or were concerned about paraphernalia and other materials near or within the polling places. This category also includes issues with polling places with multiple precincts with insufficient or no signage, and polling place canvassers.

Other Issues: Voters had other unique questions that did not directly fit into any of the above categories, including voters needing rides to the polls, voters not being allowed off work to vote, and employers encouraging voters to vote for one candidate over another.

Ohio Election Protection At-a-Glance

Ohio Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Ohio. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in the following counties, in descending order of number of complaints received:

- Cuyahoga
- Franklin
- Hamilton
- Lucas
- Summit

Based on the EIRS database, voting problems encountered in Ohio included:

- Improper requests for, and non-uniform acceptance of, identification;
- Improper instructions on when to offer a provisional ballot;
- Long lines due in part to poorly trained poll workers, inadequate staffing or machines;
- Long-time voters showing up at the polls and finding themselves no longer listed;
- Non-uniform procedures for handling voter who requested, but did not receive, absentee ballots; and
- Inequitable distribution of voting materials (ballots or machines).

Pre-Election Day Legal Activities

Members of the Election Protection coalition and the Ohio Voter Protection Coalition met with election officials in all of our target counties prior to the Election Day to identify potential problems and were successful in resolving some issues that could have disenfranchised voters. Examples of such pre-election advocacy include:

- Preventing widespread challenges at the polling places through aggressive legal advocacy;
- Reversal of the state directive requiring voter registration applications be printed on 80 lb. paperweight;

- A state directive to county Boards of Elections to accept voter registration applications if the eligible voter did not check a simple box on the application;
- State instructions to county Boards of Elections to provide regular ballots to first-time voters who did not provide identification before voting in-person on Election Day if they could provide it then or give the last four digits of their social security number;
- Reversal of a state directive refusing to allow voters who requested absentee ballots, including many who never received their ballots, to cast a provisional ballot at their polling place.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Ohio.

Absentee Ballot Problems: EP volunteers helped voters with questions and complaints regarding the use of absentee ballots. Most often, individuals who had requested such ballots never received them or received them too late to send in to the county on time. Others reported receiving ballots they never requested. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A voter had requested an absentee ballot, but never received it. When the voter's mother went to the polling place, she was told that her daughter's absentee ballot had been received. The voter's mother told poll workers that this was impossible. [Hamilton]
- A voter who waited in line for over two hours was told that he had already voted absentee, but he said he did not. [Franklin]
- A voter requested an absentee ballot that arrived on November 1. The voter is in school several hundred miles away from the place where she is registered and was not able to deliver the ballot on time. [Hamilton]

Voter Registration Problems and Questions: EP volunteers helped voters with problems related to voter registration. Individuals frequently reported having "disappeared" from the voter rolls. Others had questions regarding how to register, how to determine if they were registered, and what to do if they had moved. Many individuals expressed concerns that they had registered but never received confirmation or were not listed on the voter rolls at their precincts.

Voter Intimidation/Suppression: EP volunteers received complaints about suspected voter intimidation or unusual election-related activities. Some voters reported being intimidated – and deterred from voting or from requesting assistance – by the presence of poll challengers. Other voters reported poll workers engaging in questionable practices, such as one poll worker who only asked African-American voters for their ID or another poll worker who called the police when an individual attempted to help a disabled voter cast his vote. Other voters reported misinformation campaigns. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A voter reported that someone was going door-to-door telling people they were not registered to vote. [Summit]
- A voter in Franklin County received information purporting to be from the county alerting him that since he moved, he would have to vote by provisional ballot. The voter had not moved and had lived at the address for 10-15 years [Franklin]

Provisional Ballot Problems: EP volunteers received complaints about provisional ballots from voters, many of whom reported being denied the opportunity to vote by provisional ballot. Some polling places either ran out of provisional ballots or never had any at their location. For example:

- A voter registered to vote in September. When she went to the polling place on Election Day, they said she was not registered and refused to give her a provisional ballot [Cuyahoga]

Voting Machine Problems: EP volunteers received reports about problems with voting machines, particularly in Cuyahoga and Franklin counties. There were multiple polling locations with an inadequate number of voting machines and/or with broken machines, which led to long lines and frustration for voters and poll workers alike. EP volunteers also received reports of machines not correctly recording votes. Below are particularly troubling examples of the kinds of complaints reported:

- A voter reported "Every time I tried to vote for the Democratic Party Presidential vote the machine went blank. I had to keep trying, it took 5 tries." [Mahoning]
- One entire polling place in Cuyahoga County had to “shut down” at 9:25am on Election Day because there were no working machines. It is unclear whether this polling place ever re-opened.

Disabled Access and Assistance Problems: EP volunteers received questions and complaints related to disability access and assistance. Voters asked EP volunteers how they could vote if they were disabled. Other voters reported problems, including

polling places inaccessible to voters in wheelchairs and poll workers who did not allow disabled voters to receive assistance.

Criminal Status Related Problems: EP volunteers answered questions related to criminal status. Most of these individuals wanted to know what the eligibility requirements were to have their voting rights restored after being convicted of a felony.

Ballot Related Problems: Voters contacted EP volunteers regarding ballot problems. Most of these problems were related to poll workers handling ballots improperly, for example by failing to seal the ballot envelope or failing to place them in the voting box.

Language Issues: EP volunteers received complaints about lack of accessibility for voters with limited English skills.

Long Lines: EP volunteers received complaints, especially from voters in Cuyahoga and Franklin counties, about long lines, some as long as 3-4 hours. The problem appeared to be caused by an insufficient number of voting booths for the record number of voters who turned out.

Polling Place Problems: EP volunteers helped voters with problems that arose at the polling place. In some cases, voters needed help identifying their proper polling location, and in other cases voters could not find their polling place due to inadequate signage. EP volunteers also received reports from voters who had witnessed improper polling place procedures.

- Some voters who were in line to vote, but outside of the doors to the polling place, were sent home at 7:30 when the polls closed.
[Franklin]

Pennsylvania Election Protection At-a-Glance

Pennsylvania Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Pennsylvania. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in the following counties, in descending order of number of complaints received:

- Philadelphia
- Allegheny
- Montgomery
- Delaware
- Berks
- Lehigh
- Dauphin

Based on the complaints in the EIRS database, voting problems in Pennsylvania included:

- An inability to get absentee ballots to voters on time;
- Problems with voter registration in general, or with the state's voter registration rolls;
- Failure of poll workers to distribute or understand the legal issues regarding provisional ballots; and
- Problems with malfunctioning or broken voting machines.

Pre-Election Day Legal Activities

Leading up to Election Day, critical decisions were made by the legislature, the courts, Secretary of State Pedro Cortés and county Supervisors of Elections that had a significant effect upon the vote. These decisions included:

- On October 7, 2004 the legislature passed and the Governor signed SB 346 and SB 1222. SB 346 provided for a uniform statewide recount procedure, codified the requirement that a voter must cast a provisional ballot in the correct county for the ballot to be counted, and increased penalties for election workers who engage in willful voter fraud. SB 1222 gave force of law to standards promulgated on August 2, 2003 for what constituted a valid vote on ballots used in Pennsylvania.

- Federal law requires that polling places be accessible to elderly and physically disabled voters. If a polling place is not accessible, state and county governments are required to provide an alternative accessible means of casting a ballot. In September, in anticipation that many Pennsylvania polling places would not be accessible on Election Day, Secretary of State Cortés issued a directive for counties to provide at least one accessible site in the county where disabled voters could go to cast a ballot if they could not access their polling place.
- On October 22nd, the State Supreme Court of Pennsylvania affirmed a lower court ruling that Ralph Nader was not eligible to be listed on Pennsylvania ballots as a candidate for president. The lateness of this decision caused considerable problems with the issuance of absentee ballots. Many Pennsylvania counties waited until the decision to begin sending ballots. Because the deadline under Pennsylvania law for voters to return their absentee ballot was 5pm on October 29, there was a very small window for voters in those counties to return their ballots and have them counted for anything other than the Presidential race (for which there was a later deadline per federal law). Other counties mailed absentee ballots before a final decision – usually with Mr. Nader’s name listed on the ballot. Because Mr. Nader was ultimately disqualified, residents of those counties who voted for Mr. Nader had their Presidential vote, in effect, thrown out.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Pennsylvania.

Absentee Ballot Problems: EP volunteers helped voters with questions and complaints regarding the use of absentee ballots, mostly from voters who had requested such ballots but had never received them. Other voters reported receiving them too late in order to submit them before the deadline. Below is an example of the kinds of complaints EP volunteers received:

- A Pennsylvania voter working in Maryland reported that her county board had refused to “overnight” an absentee ballot to her when one still had not arrived just days before the election. Despite her offer to pay for Federal Express to deliver the ballot, the county refused, and she did not get her ballot until 9:30 p.m. the day it was due. She then had to take time off from work in order to drive back to Pennsylvania and cast her vote. [Allegheny]

Voter Registration Problems and Questions: EP volunteers helped voters with problems related to voter registration. Many voters complained that they had registered but never received their registration cards, or were informed that they were not on the rolls when they went to vote. In some cases, this related to voters who had updated their registrations after moving, while others had been voting at the same place, or had been registered at the same address, for years. Below is an example of the kinds of complaints EP volunteers received:

- A voter sent in her voter registration months earlier when she changed addresses, and even received a confirmation letter from her old county informing her that she was no longer registered. However, she never received a voter registration card from her new county, and when she called her local board of elections, an election official told her that she was not on their list but to simply keep calling back. As Election Day approached, she still had not received confirmation of her registration. [Delaware]

Voter Intimidation/Suppression: EP volunteers received complaints about suspected voter intimidation or unusual election-related activities, including allegations of harassment by election observers and poll workers. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A voter complained that a poll judge looked into the booth to "check and make sure people are doing it correctly." When the voter asked the judge not to do so, the judge made her leave without voting. Caller then got a police officer to escort her in and force the judge to allow her to vote. The judge was then rude to the police officer as well. [Philadelphia]
- An EP volunteer reported 3 separate incidents of a large SUV with white men parked in front of the polling site, idling & staring down voters and pretending to be from District Attorney's. When the EP volunteer confronted them, they admitted they were in fact republican attorneys from Tennessee. [Philadelphia]
- A voter reported that flyers were being passed out to University of Pennsylvania and Temple students saying that if they voted today, their financial aid would be in jeopardy. [Philadelphia]
- An individual reportedly observed people going around a neighborhood and handing out fake ballots – telling people that they no longer need to go to the polls on Election Day. [Philadelphia]

- One voter reported being told by a county election worker that if she had not voted within the previous year, then she would not be allowed to vote in the November election. [Dauphin]

Provisional Ballot Problems: EP volunteers received complaints about provisional ballots from voters, many of whom reported being denied the opportunity to vote by provisional ballot. In conjunction with the difficulties that a large number of voters faced regarding their registration, many also faced difficulties in obtaining provisional ballots when they were told that their names did not appear on the registration rolls. In other cases, provisional ballots were not treated properly. Other voters reported being told that supplies were insufficient, or that the provisional ballots would not count. Below are some examples of the kinds of complaints EP volunteers received:

- A voter had changed her name and address and re-registered to vote. However, when she went to her polling place, she was informed by an election official that she was not on the registration roll at either her old or new polling place. The official told her that the polling place did not have any provisional ballots to give her. [Allegheny]
- When a voter went to her polling place, she was told that her name was not on the registration roll. She then requested a provisional ballot but made a mistake when filling it out. When she tried to return the ballot in exchange for a new one, she was denied because the polling place did not have enough provisional ballots. She was told to simply correct her mistake on the ballot and initial it. [Allegheny]

Voting Machine Problems: EP volunteers received reports about problems with voting machines – including voting machines malfunctioning or being out of service on Election Day. Below is a particularly troubling example of the kinds of complaints EP volunteers received:

- A report came in of voting machines that were preventing people from casting votes for candidates from different parties. The malfunction reportedly required voters to vote on straight party tickets. Poll workers were trying to separate out Democratic and Republican voters before they entered the booth. [Delaware]

Identification Problems: EP volunteers helped voters with problems and questions related to identification requirements, with many reporting that they were required to show ID unnecessarily. Below is a particularly troubling example of the kinds of complaints EP volunteers received:

- A report came in that poll workers were asking African American voters for ID – even though they were not first time voters – but were not requiring ID from white voters. [Lancaster]

Disabled Access and Assistance Problems: EP volunteers received questions and complaints related to disability access and assistance. Many reports came in regarding lack of accessibility, including many complaints of polling places that weren't accessible to wheelchair-bound voters. Below is a particularly troubling example of the kinds of complaints EP volunteers received:

- One individual reportedly witnessed an election official refusing a wheelchair bound woman's request to have her daughter help her vote. Allegedly, the official told the woman she had to get up out of her wheelchair in the booth and vote herself. [Delaware]

Language Issues: EP volunteers received complaints about lack of assistance for voters with limited English skills. Voters reported problems with getting properly translated voting materials or assistance at the polls.

Long Lines: EP volunteers received complaints about long lines. The problem appeared to be caused by an insufficient number of voting booths for the number of voters who turned out.

Arizona Election Protection At-a-Glance

Arizona Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Arizona. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in the following counties, in descending order of number of complaints received:

- Maricopa
- Pima
- Yavapai

Based on the EIRS database, voting problems encountered in Arizona included:

- Inability to get absentee ballots;
- Problems with registration; and
- Incidents of voter intimidation.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Arizona.

Absentee Ballot Problems: EP volunteers helped voters with questions and complaints regarding the use of absentee ballots. Several voters reported having received inadequate or confusing instructions as to how the ballots should be marked or how much postage should be applied. Others reported being mistakenly marked as absentee voters at the polls or encountering trouble when attempting to vote at the polls after having requested an absentee ballot. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A voter reported that, when he went to vote on Election Day, he was informed that he had requested an absentee ballot. He denied ever doing so and was told that if he wanted to vote, he would have to do so via provisional ballot. The EP hotline received several calls of this type [Pima; Maricopa]
- A voter reported that she had received an absentee ballot but preferred to vote in person on Election Day. She was informed by an election official that she could bring the ballot to her polling place and "spoil" it in person and then cast her vote. She reported that when she arrived at her polling place, an election official

handed her a provisional ballot and didn't take her absentee ballot, saying, "we don't care" and telling her to keep it. [Pima]

Voter Registration Problems and Questions: EP volunteers helped voters with problems related to voter registration. Several voters reported finding that they weren't on the rolls after having registered through outside registration efforts not run by county election officials. Others reported being removed from the rolls when they had not requested registration changes or removals. Below are some troubling examples of the kinds of complaints EP volunteers received:

- A voter reported that he arrived at the polling place he has used for the last 12 years and was told that his name was not listed on the rolls. He noted that his son, who had moved out of state and reregistered elsewhere, was still listed as registered to vote in that county. The voter suspected that election officials had mistakenly removed him from the rolls instead of his son. He was denied a regular ballot, and had to vote via a provisional ballot. [Maricopa]
- A woman reported having filled out voter registration forms with her husband in September at a rally where Elizabeth Edwards spoke. When she contacted the County, she was told that there was no record of either of them registering to vote. The woman reported that one of the individuals with whom she spoke asked her how she had registered and when she told him she was told "that's no big loss- you registered for the wrong party anyway." [Maricopa]

Voter Intimidation/Suppression: EP volunteers received complaints about suspected voter intimidation or unusual election-related activities. Intimidation tactics included questioning citizenship, and several reports came in of apparent attempts at suppressing the Latino vote. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A voter reported that an individual was traveling to various polling places and confronting minority voters and asking them if they were citizens. He was asking to see their ID and had a cameraman with him who filmed the encounters. The individual wore a black tee shirt with "US Constitution Enforcer" written on it and a military style belt that gave the appearance that he was armed. [Pima]
- A complainant reported that a poll watcher affiliated with the National Council of La Raza entered a polling place in order to make sure that Spanish language ballots were available. An election official reportedly claimed that he didn't have time to tell him and asked what gave him the authority to ask. The two got into

a heated exchange and when the NCLR member left, the election official allegedly complained that he had "all these damned Mexicans lining up to vote and that they were taking away all of our rights." [Pima]

Provisional Ballot Problems: EP volunteers received complaints about provisional ballots from voters, many of whom reported being denied the opportunity to vote by provisional ballot. Most often, otherwise eligible voters were forced to accept provisional ballots without their status or claims of eligibility being investigated further. Many voters also reported being very uneasy with provisional ballots after claims were repeatedly made by officials that they were not likely to be counted. Below are some examples of the kinds of complaints EP volunteers received:

- A voter registered to vote and had a receipt along with a confirmation number for registering. When she went to vote, she was told that she was not on the registry but could cast a provisional ballot, although she was told that it "probably wouldn't count." [Maricopa]
- A voter reported not appearing on the registration rolls, even though she had registered. She was sure that she was in the correct precinct, but rather than seeking to verify her correct precinct, the poll workers simply told her to cast a provisional ballot. She feared this would nullify her vote if she was in fact in the wrong precinct. [Pima]

Voting Machine Problems: EP volunteers received reports about problems with voting machines. Most reports detailed problems with optical scanning machines that rejected or failed to read ballots or were simply not working.

Identification Problems: EP volunteers helped voters with problems and questions related to identification requirements. Many voters complained that they were asked to show ID when they thought it was unnecessary or were unable to vote because they lacked proper ID.

Language Issues: EP volunteers received complaints about lack of accessibility for voters with limited English skills. Most often, the reports regarded a lack of Spanish-language election materials, poll workers or translators.

Long Lines: EP volunteers received complaints about long lines – in some cases entailing a 3-4 hour wait. The problem appeared to be caused by an insufficient number of voting booths for the number of voters who turned out.

Other Problems: Voters had other unique questions that did not directly fit into any of the above categories. For example:

- Several reports came in of voters being told that they were not allowed to enter their polling places while carrying the EP-issued “Voter’s Bill of Rights.” [Maricopa; Pima]

Illinois Election Protection At-a-Glance

Illinois Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Illinois. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in the following counties, in descending order of number of complaints received:

- Cook County
- Du Page County
- Will County
- Kane County
- Lake County

Based on the EIRS database, voting problems encountered in Illinois included:

- Absentee ballot related problems;
- Registration problems;
- Machine problems;
- Identification problems
- Intimidation; and
- General Ballot problems.

Summary of Complaints in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Illinois.

Absentee Ballot Problems: EP volunteers helped voters with questions and complaints regarding the use of absentee ballots. In several cases, voters – mainly college students – requested absentee ballots, but they never received the ballots, at least not in time to vote in this election. Below are some examples of the kinds of complaints EP volunteers received:

- A voter reported that she and other university students had applied for absentee ballots but never received them. The voter called the Cook County Clerk on Oct. 31, Nov 1 and Nov 2. The voter was instructed that voting in Chicago was the only possibility. The voter was unable to return home in time. [Cook]

- A voter registered in Cook County, Dec. 2003. The voter is in college now and too far away from home, so voter mailed an application for an absentee ballot. Confirmation was delivered by Oct. 25, 2004. On Oct. 28th the voter called the Cook County Clerk's office, but the office said that it had not received the application. [Cook]

Voter Registration Problems and Questions: EP volunteers helped voters with problems related to voter registration. Most problems involved voters who had registered to vote, either through an organization or through other means, but who never received their voter registration card and so were not sure if they could vote or where to go to vote. In some cases, these voters sought registration verification assistance from EP volunteers; in other cases, voters went to vote and were told they were not registered. Other voters had problems that arose from having moved or changed their name since the last election.

Voter Intimidation/Suppression: EP volunteers received complaints about suspected voter intimidation or unusual election-related activities. These problems were evident in Cook County and elsewhere in Illinois. Voters reported several incidents involving police officers who were at the polls asking for ID, among other things. Voters also reported poll workers giving out misinformation or following suspect procedures. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A police officer outside the polling center (1) asked for photo ID and (2) told voters that they could not vote if they had ever been convicted of a felony. [Cook]
- A voter reported that election officials told him he was able to vote for the president, but that there was no need to vote for judges at the local judicial level. He said the same thing happened to his daughter. [Kane]
- A white poll worker reportedly said to a line of all-black voters: ""I was having a pleasant day until you all walked in."" The election official couldn't find their names on the list. They waited approximately 30 minutes. [Cook]

Provisional Ballot Problems: EP volunteers received complaints about provisional ballots from voters, many of whom reported being denied the opportunity to vote by provisional ballot. In some cases, poll workers would not give individuals provisional ballots because their name did not appear on the voting rolls, even though the voters claimed to have registered. In another case, a Cook County poll worker told a man that everyone who voted by provisional ballot had to go to the Board of Elections within 48 hours and show ID, even if they also showed ID when voting.

Voting Machine Problems: EP volunteers received reports about problems with

voting machines, including machines malfunctioning or not working at all. Some voters reported machines not being able to read ballots and the ballots being placed in “a box.” Other voters had problems with machines that either indicated an “overvote” or an “undervote.” In several of these cases, voters stated that even if the machine initially indicated an “undervote,” the vote was still cast, meaning that they were only able to cast incomplete votes.

Identification Problems: EP volunteers helped voters with problems and questions related to identification requirements. The major issues were voters not having a current address on their driver’s license and poll workers asking all voters to present two forms of ID. In several cases, when voters could not produce the ID, they were not allowed to vote. Below are some examples of the kinds of complaints EP volunteers received:

- A voter was told he could not vote (even provisionally) because his driver’s license lists his old address. He is properly registered at his new address, but living with parents, so he has no utility bills in his name. He pays bank, credit card and cell phone bills online. [Cook]
- A voter was asked for two forms of ID and was informed that if she hadn't voted in March, her vote would be contested. [Cook]

Disabled Access and Assistance Problems: EP volunteers received questions and complaints related to disability access and assistance. Some voters reported polling places that were not accessible to wheelchairs. Others reported encountering problems when they tried to get assistance. Below is a particularly troubling example of the kinds of complaints EP volunteers received:

- A daughter expressed concerns on behalf of her parents. The father had cataracts and could not see well. The poll worker stopped his wife from helping him, saying "Middle Eastern men force their women to vote in a particular way" and it was "against the rules; you can't help people out like that." The parents had always helped each other vote in the past [Cook]

Ballot Related Problems: Voters contacted EP volunteers regarding ballot problems. One polling place ran out of ballots, and the poll workers told voters to go home. Some voters were given an incorrect ballot that did not list the candidates for local offices. Some voters had trouble punching all of the way through their ballots, which poll workers told them not to worry about. Other voters expressed concerns about abnormalities that they feared would prevent their ballots from being counted. Below are some examples of the kinds of complaints EP volunteers received:

- One voter reported that her ballot was rejected as "spoiled" twice; she was concerned that her vote won't count. This was a punch card ballot. The voter had to go because she was late for work.

Also, the person in front of and behind her had similar problems.
[Cook]

- A voter, who was one of the first people in line, reported ballot concerns. When his ballot was placed into the machine, it came out as "damaged." They gave him another ballot with the same result. Every person after him had the same problem. The poll workers put the ballots in a cardboard box. [Cook]

Long Lines: EP volunteers received complaints about long lines. The problem appeared to be caused by an insufficient number of voting booths for the number of voters who turned out. Some voters experienced long lines due to an insufficient number of poll workers and/or the lack of organization on the part of poll workers. Some voters were not able to wait in long lines and were unable to vote. Below is an example of the kinds of complaints EP volunteers received:

- A voter reported that it took 45 minutes to vote. Only one person was voting at a time even though there were 5 booths. There was one poll worker doing everything: checking names and monitoring. Four other workers at the polling place were not doing anything.
[Cook]

Michigan Election Protection At-a-Glance

Michigan Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Michigan. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in the following counties, in descending order of number of complaints received:

- Wayne
- Oakland
- Genesee

Based on the EIRS database, voting problems encountered in Michigan included:

- Failure to properly process registration applications;
- Long lines due in part to inadequate staffing;
- Machine failures;
- Voter intimidation and misinformation campaigns;
- Improper instructions on when to offer a provisional ballot; and
- Election official failures to deliver absentee ballots to voters who requested them and confusion about what to do for those who had not received them.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Michigan.

Absentee Ballot Problems: EP volunteers helped voters with questions and complaints regarding the use of absentee ballots. There were voters who had problems when they requested absentee ballots, voters who did not receive absentee ballots in time to vote or at all, and even those who discovered that their absentee ballot had been returned by someone else. Below are some examples of the kinds of complaints EP volunteers received:

- A voter's mother requested an absentee ballot in October on behalf of her son in the military (Coast Guard). Each time she requested a ballot she was told the request was not received. The son understood that he could not vote, but was outraged. [Wayne]

- A voter requested an absentee ballot 3-4 weeks ago before the election, but didn't receive it in Kentucky until 11/1 (postmarked 10/27). The Board of Elections informed her that the ballot would not count if not received by 10 PM on Election night. [Saginaw]

Voter Registration Problems and Questions: EP volunteers helped voters with problems related to voter registration. There were voters who thought they had registered but had not received cards in the mail, and voters who were not included on the list of registered voters. Many of the registration problems were reports from voters who had moved and were unclear about their registration status and proper polling place. There were also reports about voters registering with third party organizations who never received their registration cards.

Voter Intimidation/Suppression: EP volunteers received complaints about suspected voter intimidation or unusual election-related activities. Some voters reported being intimidated – and deterred from voting or from requesting assistance – by the presence of poll challengers. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- One Republican poll challenger was reported by several voters to be intimidating poll workers and voters by standing too close to poll workers, writing down things and calling out on his phone. He was described as very aggressive in his actions. Voters called police who threatened to arrest challenger, but he chose to leave at that point. [Wayne]
- Republican challengers were physically blocking access to polls with cars and bodies. [Kalamazoo]
- Reports came in of intimidation from police offices at polling places. [Wayne]
- A notice was hung on the front door of a voter's home advising "Your polling place is: Garfield Edison School, Ward 3, Precinct 17, 301 E McClellan." Voter realized this was misinformation and went to Doyle Ryder School to vote because for years he has voted at precinct 32". [Genesee]

Provisional Ballot Problems: EP volunteers received complaints about provisional ballots from voters, many of whom reported being denied the opportunity to vote by provisional ballot. Complaints and inquiries came in about poll workers unevenly applying or not understanding the new provisional ballot requirements. In some instances, voters requested provisional ballots and poll workers refused to provide them or provided them and then told the voter that "they wouldn't count anyway." Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- It was reported that in one polling place the voter list was not complete, but ended at the letter s. Thus, all the people whose names began with T-Z had to use provisional ballots. [Wayne]
- A voter's registration could not be found. The poll worker said that the ballot would not count if the voter could not provide the exact date of registration. [Oakland]

Voting Machine Problems: EP volunteers received reports about problems with voting machines. Reports came in regarding machines not working properly, ballots being improperly handled or possibly not counted at all, or complete malfunctions voting machines at polling places. In a few instances, polling places opened late when the machines were not working properly. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A first time voter was denied the opportunity to vote. He had difficulty with the lever used to close the booth and when he asked a question, he was told to use the lever to close it. However, closing it caused him to cast a blank ballot. Then he was told to leave because there were no provisions for his mistakes. [Warren]
- A voter complained about a jammed voting machine scanner. She said poll workers instructed her to drop her ballot into a bin with those that were already scanned. They were told they could wait until the repair person came but they had already waited over 1 hour and 20 minutes. [Oakland]
- A voter reported that a Scantron tabulator was broken and people were getting ballots & voting but votes were not being counted on site. Poll workers told EP volunteers they would count the votes later. Scantron was down for 2 hrs. [Wayne]
- Election Protection worker reported that when the optical scan receptacle for taking the ballots jammed, the election judge came to the front of the building and announced "polls closed." The EP volunteer called city clerk's office, but no additional help was available. [Genesee]

Identification Problems: EP volunteers helped voters with problems and questions related to identification requirements. Complaints came in from voters who found poll workers misapplying identification procedures and turning voters away who met the state's identification procedures.

Disabled Access and Assistance Problems: EP volunteers received questions and complaints related to disability access and assistance. The issues of disability access were primarily related to polling places that could not accommodate disabled voters,

either through providing no assistance, or inadequate assistance when it was available at all. Below are some examples of the kinds of complaints EP volunteers received:

- Voter reported that the wheelchair lift was not available for use. Handicapped registrants had to be carried up a set of stairs to reach the polling location. Although a key was found for the lift, it would not work. [Wayne]
- EP volunteers assisted a woman in a wheelchair up 2 flights of stairs to vote. [Wayne]

Criminal Status Related Problems: EP volunteers answered questions related to criminal status. Reports came in from people with felony convictions unsure about whether they were eligible to vote. Because Michigan election law allows ex-offenders to vote while on probation, there was confusion over whether those recently released could vote.

Student Status Related Problems: EP volunteers answered questions related to student status. There were complaints about student registration issues and first-time student voters being denied the right to vote. There was a lot confusion over the requirement that first-time voters who registered by mail in Michigan must vote in person, and could not vote absentee.

Long Lines: EP volunteers received complaints about long lines, in some instances even before the polls opened on Election Day. Many of the long lines appeared to be associated with the inadequate number or malfunctioning of machines in polling locations where poll workers were not properly trained to address the problems.

Polling Place Problems: EP volunteers helped voters with problems that arose at the polling place. There were voters who had questions about where to vote and voters who reported that their polling places had been changed, despite having a voter registration card with another polling place location indicated. We received reports from voters who were forced to wait in multiple lines at polling places to vote because they were originally in the wrong precinct line. A range of other issues included improper procedures by poll workers and improper campaigning near the polling place. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- Voter was in line to vote in precinct 6 but was told after waiting in line that she was in the wrong precinct. Voter had to go to the end of the line in precinct 5, then after waiting had to go to the end of the line in precinct 8 after being told she was in the wrong line. The clerks kept telling the voter the wrong precinct. The voter waited in line one and one half hours. [Oakland]

- Voter received a letter stating that she was to vote at Trix Elementary, but officials at Trix told her to vote at Genesis. [Wayne]
- Voter reported that poll worker told voter that she could vote a straight ticket and that she could also vote for an individual candidate of another party, thus spoiling her ballot. [Oakland]
- Poll workers did not stamp the list (book) as voters' applications were matched and accepted. Republican challengers observed this and phoned it in. They remarked that ""this could allow people to vote a second time."" After a DNC volunteer requested for the 4th time that they stamp the book, the workers went through the application slips and stamped the book accordingly. They did not complete the book, however. [Wayne]
- Voters reported that the county clerk phone line was not working to check whether individuals not on the list at the polling place were in the system. Election workers could not get through so voters were forced to vote by provisional ballots. [Wayne]

Other Issues: Voters had other unique questions that did not directly fit into any of the above categories. For example:

- Supervisors were not allowing staff to go vote. Michigan law allows 3 hours to do so. [Taylor]

New Mexico Election Protection At-a-Glance

New Mexico Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across New Mexico. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in the following counties, in descending order:

- Bernalillo
- Santa Fe
- Dona Ana
- Rio Arriba

Based on the EIRS database, voting problems encountered in New Mexico included:

- Significant numbers of voters complained about either not receiving an absentee ballot or having received one they did not request;
- Long-time voters who were not on the voter rolls or those who found that their polling place changed;
- Problems with voting machines;
- Confusion over when to vote by provisional ballot; and
- General polling place problems and confusion about basic voting rules.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in New Mexico.

Absentee Ballot Problems: EP volunteers received complaints from voters who did not receive absentee ballots in time to vote or received ballots they did not request. We also received the following reports:

- A voter brought a completed absentee ballot into the polling place to turn in. The poll worker incorrectly told the voter to vote provisionally. The Democratic Party challenger in the polling place told the voter to take the ballot to the county clerk's office. The voter left to do so and according to the EP poll monitor, the poll worker then admitted that that was another option that they should have mentioned. (In fact, NM law states that absentee ballots are to be returned to the county clerk's office and not the polling place.) In other cases absentee ballots were accepted at the polling place

and voters were not told to take those ballots to the county clerk's office. [Bernalillo]

- A first time voter in New Mexico never filed an absentee ballot but was listed as absentee on voter rolls. He was told to vote provisionally by a poll worker. [Santa Fe]

Voter Registration Problems and Questions: EP volunteers received complaints from long time voters and new voters who were not on the voter rolls at their respective polling places.

Voting Machine Problems: EP volunteers received reports about machines malfunctioning. While several of the voters, in the end, were able to vote they still expressed concerns that their vote would not count and that other voters would not notice the problems.

- A voter reported that he used an electronic voting machine, and after selecting a Democratic candidate, noticed that the Republican light actually lit up. He had to select the Democratic candidate again to cancel it out, and then select it again to make the correct selection. He had to do this for almost all the people he voted for. [Bernalillo]
- An EP volunteer reported that while he was helping an elderly man with voting he witnessed that when the Democrat Presidential candidate was selected, the Libertarian candidate would be highlighted. The poll worker instructed on how to correct and the vote was corrected, but the same irregularities were reported in other area precincts during early voting with touch screens. [Bernalillo]

Provisional Ballot Problems: EP volunteers helped numerous voters who were having problems voting by provisional ballot. These incidents range from inquiries into the provisional ballot system to workers unevenly applying or not understanding the new provisional ballot requirements. Most of the calls came from Bernalillo County.

- County Clerk's office was treating emergency paper ballot and provisional ballot the same way. This was an issue with people who wanted absentee ballots and did not receive one. [Santa Fe]
- There were insufficient provisional ballots all day long, lack of affidavits and envelopes at one polling place. [Rio Arriba]

Wisconsin Election Protection At-a-Glance

Wisconsin Summary

Election Protection's "Election Incident Reporting System" contained reports of election problems from across Wisconsin. As of November 24, 2004, the majority of reports were from voters and volunteers in the following counties, in descending order of number of complaints received:

- Milwaukee
- Dane
- Racine
- Waukesha
- Kenosha

Based on the complaints in the EIRS database, voting problems encountered in Wisconsin included:

- Voter intimidation or suppression;
- Failures to deliver absentee ballots to voters who requested them;
- Access for voters with disabilities;
- Voting machine errors; and
- Inadequate staffing of polling places, which, in many cases, led to long lines.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters in Wisconsin.

Absentee Ballot Problems: EP volunteers helped voters with questions about obtaining absentee ballots. Also, EP volunteers received complaints regarding absentee ballots, most often from individuals who had requested an absentee ballot but never received one or did not receive one in time to return it by Election Day. One Milwaukee voter reported having received three absentee ballots in the mail.

Voter Registration Problems and Questions: EP volunteers helped individuals with questions or problems related to registering to vote. Many voters reported that they had not received confirmation of their registration. Since Wisconsin allows same-day voter registration, many of these issues were easily resolved as voters were allowed to register on Election Day.

Voter Intimidation/Suppression: EP volunteers received complaints about suspected voter intimidation or unusual election-related activities. Some voters reported being intimidated – and deterred from voting or from requesting assistance – by the presence of poll challengers. Other voters reported poll workers engaging in

questionable practices. Other voters reported misinformation campaigns. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A voter claimed that a police officer entered a polling location and announced that he would arrest anyone who had an outstanding warrant. An attorney informed the officer that such action was illegal and the officer reportedly responded that he knew it was, but thought it was a good idea anyway. [Rock]
- One individual reported that her sister, who is on W-2, was told by her case manager that if she voted for John Kerry, she would stop receiving her checks. [Milwaukee]
- Individuals reported seeing flyers, purportedly from an organization called the Milwaukee Black Voters League, posted in minority districts warning residents that if they had already voted this year, they cannot vote in the presidential election; that anyone convicted of any offense, however minor, is ineligible to vote; that any family member having been convicted of anything would disqualify a voter; and that any violation of these warnings would result in ten years in prison and a voter's children being taken away. [Milwaukee]
- A voter reported hearing that people were being told that they could not vote if they had outstanding parking tickets. [Milwaukee]

Disabled Access and Assistance Problems: EP volunteers answered Wisconsin voters' questions regarding their rights to assistance and curbside voting at the polls. EP volunteers also received some complaints related to polling place access for those with disabilities.

Long Lines: EP volunteers received complaints about long lines. Many polling places were understaffed, leading to waits as long as 3 hours for some voters.

Voting Machine Problems: Some voters reported that voting machines were either not working or malfunctioning.

- One EP volunteer reported a discrepancy between a ward's machine vote totals and the ward's count of actual votes. The machine had recorded 982 votes, while the ward books showed 971 votes. [Milwaukee]
- Voters reported ballot-counting machines' counters not advancing when a new ballot was passed through the machine. [Milwaukee]

Colorado Election Protection At-a-Glance

Colorado Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Colorado. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in the following counties, in descending order of number of complaints received:

- Denver
- El Paso
- Adams
- Pueblo
- Jefferson
- Arapahoe
- Boulder

Based on the EIRS database, voting problems encountered in Colorado included:

- Registration related problems;
- Lack of education about identification requirements;
- Confusion about how to implement provisional ballot requirements;
- Poll workers who are, at best untrained, and at worst, actively dissuading voters from casting votes;
- Voter confusion caused by multiple precincts being located at one polling place.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Colorado.

Absentee Ballot Problems: EP volunteers helped voters with questions and complaints regarding the use of absentee ballots. Many reports came in from voters who had not yet received their absentee ballots or received them too late to get them to the County Clerk's office in time to be counted on Election Day. Over half of the absentee ballot related problems came from Denver. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- Several Denver County voters received their absentee ballots late as a result of an error on the part of the County. An EP volunteer

spoke to a County official who said that the problem was fixed and that ballots were sent. The official also reported that this error affected approximately 24,000 absentee applications. [Denver]

- A voter in Denver did not receive an absentee ballot and was told by a person at elections office that that was “too bad.” [Denver]

Voter Registration Problems and Questions: EP volunteers helped voters with problems related to voter registration. Registration related problems were by far the biggest problem reported in Colorado. Some voters had moved and wondered how they could vote. Many voters reported that they had thought they had registered, but did not receive their cards in the mail. Below are some examples of the kinds of complaints EP volunteers received:

- A voter who moved from Denver County to Arapahoe County tried to vote in his new jurisdiction. The election judge denied him the opportunity to vote. An EP volunteer told the voter to go back in and demand emergency registration. [Arapahoe]

Voter Intimidation/Suppression: EP volunteers received complaints about suspected voter intimidation or unusual election-related activities. Issues here focused primarily on misinformation to voters. Below is a troubling example of the kinds of complaints EP volunteers received:

- Two voters reported similar incidents. Phone messages were left on their machine stating that their polling places had changed. Both voters, one in Adams County and the other in Denver County, knew their polling place and that the calls were false [Adams; Denver]

Provisional Ballot Problems: EP volunteers received complaints about provisional ballots from voters, many of whom reported being denied the opportunity to vote by provisional ballot. As with many of the other states, there was confusion among poll workers in Colorado about the implementation of the provisional ballot provisions in the law. This confusion led to voters either not being allowed to vote by provisional ballot or voters who should have been allowed to vote with regular ballots being given provisional ballots. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- In Arapahoe County, EP volunteers received a report that election judges were not giving out provisional ballots. [Arapahoe]
- In Denver at the Catholic Charities polling place, EP volunteers confronted an election judge who was calling the Elections Commission every time someone requested a provisional ballot. EP volunteers told the judge that the law does not require such

phone calls. The election judge became angry, saying that he was told to call the Elections Commission and that if the voters had registered properly in the first place they wouldn't be having these problems. [Denver]

Voting Machine Problems: EP volunteers received reports about problems with voting machines. Colorado has several counties that have some form of electronic voting machines. These machines experienced some problems, including optical scanner machines that did not work and voting machines that broke down. Voters also expressed concerns about the lack of a paper trail that made them feel uncomfortable. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- An election judge reported that the computers were down and approximately 150 voters were turned away and told to go to other polling places. The complainant was concerned because many in line were blue collar workers with limited time to vote. They were not offering backup paper ballots or provisional ballots at the time the problem was reported. After over an hour, they went to a paper system and started to let people vote at the polling place again. The computer system that went down was one used for the purpose of finding the voters' name, identifying the type of ballot they should receive and marking them off as having voted. [Larimer]
- A voter attempted to cast a ballot and the machine malfunctioned. When the voter brought the problem to the attention of a poll worker, he tended to the machine in a way that zeroed out the vote. The official said the machine had been acting up all day, but that it was still in service because they only had two machines. They allowed this particular voter to cast a provisional ballot but left the machine in service. When an EP volunteer called the county, the county told our volunteer they would remove and replace the machine, and that a certified technician was coming to do that. [Arapahoe]

Identification Problems: EP volunteers helped voters with problems and questions related to identification requirements. Below is an example of the kinds of complaints EP volunteers received:

- A voter with an expired license was not allowed to vote. EP volunteers gave him the alternative identification he could bring with him, and he was able to go back and vote. [Pueblo]

Disability Access and Assistance Problems: EP volunteers received questions and complaints related to disability access and assistance. Most often, reports detailed a lack of adequate assistance. Some reports detailed that polling places offered no

assistance whatsoever to disabled voters. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A disabled voter had to manage two flights of stairs to get to polling place only to find out that the polling place had been moved to another location. They had previously voted at this location. [Denver]
- A voter brought a disabled voter with him to vote. When they arrived at the polling place, they found that the handicapped entrance was blocked. The voter and poll watcher had to request that the door be opened. (Denver)

Criminal Status Related Problems: EP volunteers answered questions related to criminal status. Colorado law says that if you have served out your felony conviction and any associated parole, and have re-registered, that you may vote. In most cases, individuals wanted to know if they were eligible to vote based on their felony status.

Student Status Related Problems: EP volunteers answered questions related to student status. Colorado's incidents in this area were reported in Boulder and Larimer counties.

Ballot Related Problems: Voters contacted EP volunteers regarding ballot problems. This category of problems includes concerns raised by voters regarding marking procedures and assistance from election judges, as well as ballot supplies. Below are some examples of the kinds of complaints EP volunteers received:

- A report came in that poll workers had pencils out on the table for voters, even though the instructions said to only use pen to fill out the ballots. The poll workers removed the pencils, but the complainant was concerned that voters had already used them and their ballots could be invalidated. [Boulder]
- During early voting, a voter reported going to vote only to find a ballot for his area was not available. The voter was told he could vote by provisional ballot. [Jefferson]

Language Issues: EP volunteers received complaints about lack of assistance for voters with limited English skills. Some jurisdictions in Colorado require that Spanish language ballots be available to those who request them.

Long Lines: EP volunteers received complaints about long lines. The problem appeared to be caused by an insufficient number of voting booths for the number of voters who turned out.

Late Opening and Early Closing: EP volunteers received reports of polls opening late or closing early.

Polling Place Problems: EP volunteers helped voters with problems that arose at the polling place. Some of the polling place problems came from confusion when there were multiple precincts voting at one polling place. Below are some examples of the kinds of complaints EP volunteers received:

- At one polling place in Denver, three separate precincts were voting, but only two elections judges were available. The third judge, for the third precinct, had not shown up. The other two elections judges were left to help the people from the third precinct, creating long lines and additional confusion. [Denver]
- At the Remington Elementary polling place in Denver, the appropriate signage regarding provisional ballots was not posted, so the EP volunteer did it. In addition, the polling place had multiple precincts, but one of the precinct signs had been removed. [Denver]

Other Problems: Voters had other unique questions that did not directly fit into any of the above categories. For example:

- Voters wanted to know the rules around taking time off of work to vote. [Denver]

TIER 2 STATES

Missouri Election Protection At-a-Glance

Missouri Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Missouri. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in Jackson and St. Louis counties.

It appears the following were the major problems encountered in Missouri:

- An inability to get absentee ballots to voters on time;
- Problems with the state's voter registration system and registration rolls;
- Failure of poll workers to distribute provisional ballots or understand the legal issues regarding such ballots;
- Suspected incidents of voter intimidation; and
- Confusion regarding proper voting procedures for punch card ballots.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Missouri.

Absentee Ballot Problems: EP volunteers helped voters with questions and complaints regarding the use of absentee ballots, mainly from voters who had requested such ballots but never received them. Other voters reported discrepancies between absentee ballot requests and the records kept by the county. Below is an example of the kinds of complaints EP volunteers received:

- A voter arrived at her polling place only to be informed that she had already submitted an absentee ballot, which she had not done. Officials were reportedly encountering this problem frequently, where individuals who had *not* requested absentee ballots were listed as having done so, while people who *had* requested such ballots were listed as not having done so. EP volunteers received multiple reports of this type of problem. [St. Louis]

Voter Registration Problems: EP volunteers helped voters with problems related to voter registration, generally from individuals who had registered but never received a registration card and did not appear on the voter rolls. Others reportedly found errors in their voter file when they went to register to vote. Below are some troubling examples of the kinds of complaints EP volunteers received:

- A Jackson County voter, who has been residing and registered to vote at the same address for 30 years, had problems voting. Even though she has voted consistently over the years and has been called for jury duty at least 8 times, she was turned away when she went to her polling place. She was informed that her name did not appear on the registration rolls. [Jackson]
- A voter's address was listed incorrectly on the registration rolls. Her address was listed as "221" rather than the correct "211" address. She was told that she was therefore unable to vote and was not offered the option of casting a provisional ballot. [Boone]

Voter Intimidation/Suppression: EP volunteers received complaints about suspected voter intimidation or unusual election-related activities. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A report came in of black voters in a predominantly white neighborhood being challenged by Republican challengers who requested proof of ID, residence, and signature. The challengers reportedly did not make similar demands on white voters. At the same polling place, when black voters asked questions of election officials, the officials reportedly refused to answer, telling them "it's very simple," while providing white voters with any requested information or assistance. [St. Louis]
- An individual in Jackson County reported that three men in military-looking uniforms were standing within 25 feet of the entrance to a polling place. They were reportedly making partisan, racist and derogatory statements to voters. The individual complained to an election judge, who went out to see the men, but reportedly took no action. [Jackson]

Provisional Ballot Problems: EP volunteers received complaints about provisional ballots from voters, many of whom reported being denied the opportunity to vote by provisional ballot. Below is a particularly troubling example of the kinds of complaints EP volunteers received:

- Even with appropriate ID, a St. Charles County voter was told that she could not vote without her voter ID# and that the phone number needed to get her ID# was busy, so she could not vote. She

was not offered a provisional ballot. She even reported seeing a sign in the polling place stating that provisional ballots would not be counted. [St. Charles]

Identification Problems: EP volunteers helped voters with problems and questions related to identification requirements, mainly from individuals who had been turned away from the polls for lacking the proper identification.

Disabled Access and Assistance Problems: EP volunteers received questions and complaints related to disability access and assistance. In most cases, EP volunteers talked with individuals seeking assistance for disabled voters, or individuals reporting polling places that were inaccessible to such voters, especially voters in wheelchairs.

Ballot Related Problems: Voters contacted EP volunteers regarding ballot problems. Below is an example of the kinds of concerns EP volunteers heard from voters:

- Several voters from around the state expressed concerns regarding the process for voting via punch card ballots. Voters were confused and wanted to know how, when voting on a straight party line ticket, they were to vote for individual candidates, such as those running for nonpartisan positions. Many feared that voting for individual candidates would corrupt their ballots. [St. Charles; St. Louis; Ray; Jackson]

Late Opening and Early Closing: EP volunteers received reports of polls opening late or closing early. Below is a particularly troubling example of the kinds of complaints EP volunteers received:

- A voter arrived at her polling place at 6:45 am to find that it was not ready. She waited until 7:30 am, but when the polling place was still not ready, she left without voting. [St. Louis]

Other: Voters had other unique questions that did not directly fit into any of the above categories. Some voters reported encountering several problems that covered more than one of the categories. For example:

- A voter reported arriving at his voting place at 6am but had to wait at least another half an hour for the poll to open. When it did, there was only one election worker on hand. When he finally got a chance to vote, he noticed that the ballot did not contain a listing of the Republican judges and, after he voted, poll workers began issuing a different set of ballots. The voter fears that his vote may not count. [St. Louis]

Nevada Election Protection At-a-Glance

Nevada Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Nevada. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in Clark and Washoe counties.

Based on complaints in the EIRS database, voting problems encountered in Nevada included:

- Problems with voter registration by an outside group that led to an unknown number of voters not being registered to vote;
- Receipt of absentee ballots;
- Implementation of the felony voter statutes;
- Confusion about how to implement provisional ballot requirements;
- Voter intimidation; and
- Poll workers who were, at best, untrained and, at worst, actively dissuading voters from casting votes.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Nevada.

Absentee Ballot Related Problems: Some Nevada voters reported requesting absentee ballots but not receiving them on time or at all. For example:

- A voter, who attends school in Los Angeles, requested an absentee ballot. She spoke with the Office of Registrar in Nevada and was told that she would have the ballot by the Friday before the election at latest. She never got it and so was unable to vote.
[Washoe]

Registration Related Problems: EP volunteers received complaints from voters who had registered to vote but whose names did not appear on the voter rolls. Many of these problems may have stemmed from an incident where a firm, Sproul Associates, reportedly registered voters and threw out all of the Democratic registrants.

Voter Intimidation and Suppression: EP volunteers received reports of voter intimidation and voter suppression campaigns. Voters filed complaints about uniformed and armed police officers stationed outside polling places. Several also reported receiving fraudulent flyers saying their polling place had changed. Some other troubling examples include:

- One voter reported witnessing poll workers only asking minorities to show identification. Then, people without ID were sent to another table, where they were told they were in the wrong precinct and turned away. [Clark]
- Another voter reported receiving a call, purportedly from the “Democratic Party,” saying that, due to unexpectedly high voter turnout, Democrats would vote on Wednesday, November 3. [Clark]

Criminal Status Related Problem: EP volunteers answered questions regarding getting the right to vote restored after a felony conviction. Some individuals who had previously been convicted of a felony believed their voting rights had been restored, but then had to submit additional paperwork, even after having received a voter registration card.

Provisional Ballot Problem: EP volunteers received complaints about the implementation of provisional ballot requirements. As we have seen with other states, there were cases of a poll worker telling voters that their provisional ballots would not be counted. NV law allows voters to cast a provisional ballot for federal candidates if their name is not on the voter registration list.

- A Clark County voter, who had registered by mail more than a month and a half before the election but received no confirmation, was not on the rolls at his polling place. The polling place officials would not give him a provisional ballot, and told him he had to go across town to another location. They told him he could vote at the precinct, but “it wouldn’t count.” The voter had his registration application receipt and identification.

Long Lines: As in other places, some voters in Nevada reported lines as long as three hours, which discouraged some individuals from voting. The problems of long lines usually occur because of an inadequate number of voting machines or inadequate staffing. For example:

- A voter went to his precinct and had to wait more than three hours to vote. He expressed concern about his wife’s ability to get access to polls this afternoon because of childcare issues. The lines were expected to be as long in the afternoon and evening. At this polling

place, there were two districts voting – and the other district’s line was only five minutes long. [Washoe]

Other Polling Place Problem: Many voters reported confusion about which polling place they were supposed to vote at. Other voters reported inappropriate procedures at the polling places.

North Carolina Election Protection At-a-Glance

North Carolina Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across North Carolina. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in the following counties, in descending order of number of complaints received:

- Wake
- Mecklenburg
- Durham
- Forsyth

Based on the EIRS database, voting problems encountered in North Carolina included:

- Registration related problems;
- Malfunctioning optical scan machines;
- Voter intimidation;
- Accessibility for disabled persons; and
- Confusion by poll workers on how to implement voting laws, particularly provisional balloting.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in North Carolina.

Absentee Ballot Related Problems: EP volunteers received complaints from voters who did not receive their absentee ballots in time or at all. Other voters expressed concerns that the outer envelope for the absentee ballots included the voter's party affiliation. One particularly troubling example is below:

- One voter requested an absentee ballot from Forsyth County online in early September 2004. She got a request for additional information from the county in September, and she turned that in shortly thereafter, around the third week in September. She was supposedly sent a ballot on September 29, but she did not receive it. She requested a second ballot October 26, but did not receive it until Election Day, and thus could not send it in time. [Forsyth]

Registration Related Problems: Some voters experienced problems having their voter registrations processed correctly. Often, individuals registered to vote but did not appear on the voter rolls. In particular, voters who had moved and reregistered experienced problems. Below are some examples of the kinds of complaints EP volunteers received:

- A poll worker at the Christus Victor Lutheran Church in Durham County called wanting to make note of the fact that there were a large number of voters who moved and reregistered but their names were not on the list. They were being told to vote with provisional ballots. [Durham]
- In Mecklenburg County, a voter registered to vote in person on or about October 4 and received a letter dated October 12 from the Board of Elections stating that her faxed registration could not be processed until they received a signed form delivered to the County Board 20 days before the election. She called the office many times to have them clarify and fix this because she did not fax her registration. [Mecklenburg]

Voter Intimidation/Suppression: Individuals reported incidents of voter intimidation and suppression to EP volunteers. Uniformed police at polling places had a chilling effect on some voters. Other voters reported misinformation campaigns that could result in disenfranchisement. Below are some particularly troubling examples:

- One report states that there were individuals two to three blocks from a polling place stopping passers-by and telling them if they are delinquent on child support or have other legal problems, it is illegal for them to vote and they may get in trouble if they try to vote. [Durham]
- One voter informed EP volunteers that he had arrived home to see flyers on every door in the neighborhood. The flyer said that the polling place was changed to Lake Rim Fire Department, a different location than the polling place listed on the voter's registration card. Election Protection called county Board of Elections, and the election official stated that they did not put the flyers on the door and that the correct polling place was the one on the registration card. [Cumberland]

Machine Problems: Voters in North Carolina reported problems with voting technology at polling places. Voters encountered optical scan machines that jammed, tore ballots, and whose counters did not register an additional vote after voters scanned their ballot. Voters also received ballot receipts that said the vote had not been recorded, but poll workers told the voters not to worry about it.

Disability Access Problems: Some voters with disabilities complained that their polling locations did not accommodate them properly. By law, disabled voters must be provided ways to vote, through curbside voting and/or through accessible polling places. For example:

- One individual reported having trouble when she asked to help her aunt and uncle vote. Her aunt and uncle are disabled; the uncle cannot see and her aunt cannot read. She was reportedly told by a poll worker that the worker would contact the Republican Party to make sure the votes were not counted since she should not have been allowed to help her aunt or uncle vote. [Graham]
- Other voters reported that poll workers would not bring ballots out to curbside voters or that curbside voters had to wait far longer to vote than regular voters. [Durham; Granville; Burke; Wake; Guilford; Forsyth; Gaston]

Provisional Ballot Problems: EP volunteers received complaints about the implementation of provisional ballot requirements. In some cases, voters were not offered provisional ballots when they did not appear on the voting rolls, and in other cases voters reported being given provisional ballots when they should have been able to cast a regular ballot.

Ballot-Related Problems: Some voters registered complaints about confusing or incomplete ballots. Some voters were confused about voting a straight party ticket, as it was unclear if the ballot would be thrown out as an “overvote” if the voter filled in the arrow for straight party ticket and also filled in the arrows for individual candidates. There was also confusion about whether voting the straight party ticket was sufficient to cast a vote for president. Other voters reported receiving ballots on which some candidates for local offices were not listed.

Long Lines: Some voters complained about long lines at the polls and in some cases having to wait up to three hours to vote. Long line issues usually result when there is inadequate staffing or an inadequate number of voting machines.

Arkansas Election Protection At-a-Glance

Arkansas Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in multiple counties in Arkansas. As of November 24, 2004, the majority of reports were from voters and volunteers in Pulaski and Jefferson counties.

Based on the EIRS database, voting problems encountered in Arkansas included:

- Registration related problems;
- Absentee ballot related problems; and
- Incidents of voter intimidation.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Arkansas.

Voter Registration Problems: EP volunteers helped individuals with questions or problems related to registering to vote. Many voters reported that they had not received confirmation of their registration or found that they been removed from the registration rolls.

- A voter reported that, together with her husband, she had gone to vote and that neither her nor her husband's name was listed on the voting registry. Both had voter registration cards that showed that they were at the correct polling place. [Pulaski]
- A voter reported that, in preparation for a voter registration drive, he went to the local government office to pick up voter registration forms. A worker at the office gave him the forms but reportedly told him that the applications would have to have been received by May 2004 in order to count for the November election. [Shelby]

Voter Intimidation/Suppression: The EP hotline received reports from individuals reporting incidents of suspected intimidation or unfair polling practices. Below are examples of the kinds of incident reports received by EP volunteers:

- A voter reported that first-time voters, after standing in line to vote, were being sent to the end of the line and that some were being told that if they were Democrats, they had to vote the following day (i.e. November 3rd). [Pulaski]

- A voter reported that poll workers were only asking black voters for identification. The caller, who is herself black, reported that she personally knew one of the poll workers and was still asked for ID, while white voters in front of her were not asked to produce identification. [Little River]

Absentee Ballots Problems: EP volunteers helped voters with questions or problems regarding absentee ballots, generally from people who had requested but never received such ballots.

Provisional Ballot Problems: EP volunteers received complaints from individuals with problems or questions regarding the use of provisional ballots.

- Several voters reported that polling places did not have any provisional ballots on hand and did not get any until hours after the polling places had opened. [Pulaski]
- A voter's wife went to vote at their County polling place for early voting, and noticed that her spouse was not on the list of registered voters. They inquired, and were told he was not on their list and that he must still be registered at his prior county. The husband drove to his old County where he was told that his registration had been rolled over to his new county. Poll workers refused to let him vote a provisional ballot. [Carroll]

Other Problems: EP volunteers helped voters with other voting related problems not categorized above. For example:

- A voter reported that election officials were handing out three different ballots early in the morning on Election Day and one of those ballots did not have the candidates for alderman on it. An official corrected the mistake but those who had voted early were not allowed to recast ballots and, therefore, not allowed to vote for this race. [Pulaski]

Minnesota Election Protection At-a-Glance

Minnesota Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Minnesota. As of November 24, 2004, the majority of reports were from voters and volunteers in Hennepin and Ramsey counties.

Based on complaints in the EIRS database, voting problems encountered in Minnesota included:

- Confusion about identification requirements;
- Incidents of voter intimidation; and
- Issues related to same-day voter registration.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Minnesota.

Voter Registration/Identification Issues: EP volunteers helped voters with problems related to voter registration. Minnesota allows for same-day registration and the majority of the calls came from voters reporting that they were unable to register for lack of proper identification. Some examples of the types of incidents reported to EP are below:

- One student reported that she showed an out-of-state ID and a valid fee statement with her current voting address to poll workers and was not allowed to vote. EP attorneys intervened and had a county official call the polling place and explain that a fee statement with a current address and the voter's name was acceptable identification. [Hennepin]
- One voter reported that poll workers were requiring ID from registered voters, and asking Republican challengers if the ID was OK. [Hennepin]
- An individual tried to register at polls. She had several forms of picture ID, but none were a MN driver's license or ID card. She also had several bills in her name at her current address, sent within the last 30 days. The election judge told her this was insufficient to register, so the voter then asked her neighbor to vouch for her. The election judge still refused to register her. Voter challenged election judge's refusal to accept that attempt to

vouch for her and was told to leave immediately. Eventually, the county auditor intervened, and the individual was allowed to vote. [Stearns]

Voter Intimidation/Suppression: EP volunteers received complaints about suspected voter intimidation or unusual election-related incidents. Some voters reported being intimidated – and deterred from voting or from requesting assistance – by the presence of poll challengers. Other voters reported misinformation campaigns. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A voter reported that Republican challengers were confronting student voters and saying that their names appeared on a list of people who had already voted in another jurisdiction. [Rice]
- A voter reported that, on Election Day, he received a phone call asking if he was going to vote and providing information as to the location of the voter's polling place, which did not match the polling place information he received from the local Board of Elections. [Ramsey]
- A voter reported witnessing Native American voters being challenged, especially when they used identification that showed that they received public assistance. [St. Louis]
- EP received a report that a person acting as a Vietnamese translator was directing Vietnamese voters to vote for Bush. [Hennepin]

Voting Machine Problems: Some voters contacted EP with concerns that their ballots would not be counted because ballot-scanning machines at the polling places were broken or had counters that did not advance when a new ballot was scanned.

Other Problems: Voters also filed complaints about a handful of other miscellaneous problems. For example:

- Poll workers at one polling place told the translator that she could not assist people in voting. EP attorneys intervened and, eventually, the translator was able to assist people who requested her help. [Hennepin]
- One voter expressed concerns about the privacy of her ballot. She reported that the voting area had ten booths, but she had to fill out her ballot at a very visible spot at a large table. Someone made a comment about her choice for president. [Hennepin]

TIER 3 STATES

Texas Election Protection At-a-Glance

Texas Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Texas. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in the following counties, in descending order of number of complaints received:

- Harris
- Dallas
- Tarrant
- Bexar
- Travis
- Fort Bend

Based on the EIRS database, voting problems encountered in Texas included:

- Confusion about how to implement provisional ballot requirements;
- A significant number of Harris County voters not receiving absentee ballots;
- Problems in Harris and Travis counties with e-Slate voting machines;
- Identification requirements;
- Voter intimidation; and
- Confusion among voters about straight party voting.

Summary of Complaints and Questions in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Texas.

Absentee Ballot Problems: EP volunteers helped voters with questions and complaints regarding the use of absentee ballots. Absentee ballots were due in to the elections office by Election Day. Most of the complaints related to absentee ballots were from voters who did not receive their ballots. Below is a troubling example of the kinds of complaints EP volunteers received:

- A voter in Harris County requested an absentee ballot on-line in early October. As of October 28, the voter had not received the ballot. The voter called Harris County, and they said she would receive it by October 30. On October 31, the voter still had not received the ballot and called the County Clerk's office back – at which point they said they were very sorry, but there was nothing they could do. [Harris]

Voter Registration Problems and Questions: EP volunteers helped voters with problems related to voter registration. Often, voters had registered to vote, but hadn't received their cards and were wondering if they would still be able to vote. Other voters had moved, but were not sure if they were still registered. Some voters wanted to know if their registration was still valid if they hadn't voted in several years. Below are some examples of the kinds of complaints EP volunteers received:

- One voter submitted a registration form that she printed from a Christian radio station's web site on October 2. The voter did not receive a voter certificate. The voter did not know if she could vote, or where to go to vote. [Harris]
- A voter attempted to vote, but her name was not on the rolls, so she cast a provisional ballot. Subsequently, she verified her voter status and wanted to cancel her provisional ballot and cast a regular ballot. A county election official told her it would be too complicated to cancel. EP volunteers told her to go back to the county official's office and demand that the provisional vote be canceled and that she be permitted to vote a regular ballot. She was eventually able to vote. [Denton]

Voter Intimidation/Suppression: EP volunteers received complaints about suspected voter intimidation or suppression. The most common form of voter intimidation or suppression was misinformation. Other types of intimidation or suppression reported included actions taken by officials that voters viewed as threatening. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- During early voting at the Power Center in Harris County, a voter observed Harris County police officers yelling at the 200 or more people in line that they had to show ID and that anyone with a warrant would go to jail. People left the line, including the voter who reported the situation. [Harris]
- An African-American voter went to her polling place with her mother. At the time they arrived, they were the only black voters present. The poll workers were asking all voters for registration

cards or ID and then asking voters if they had moved. She and her mother were subjected to more questions as the workers appeared not to believe the responses. They took her license to check against other records. Reportedly, this did not happen to other voters. She was eventually able to vote. [Travis]

Provisional Ballot Problems: EP volunteers received complaints about provisional ballots from voters, many of whom reported being denied the opportunity to vote by provisional ballot. In Texas, there were complaints of precincts running out of provisional ballots and poll workers not appropriately implementing the provisional ballot laws. For example:

- A voter requested a provisional ballot in Bexar County and the election judge was reluctant to give it to him because it would be “too much paperwork” and “wouldn’t count anyway.” [Bexar]
- A newly registered voter, who is a new citizen, went to vote on Election Day in Bexar County. He was not found on the voting rolls. The judge at the polling site would not give him or the other people in line with similar circumstances a provisional ballot. The judge was calling downtown every time someone requested a provisional ballot. He was eventually allowed a provisional ballot, but the judge wrote “wrong precinct” on the envelope. [Bexar]

Voting Machine Problems: EP volunteers received reports about problems with voting machines. Several counties in Texas used electronic voting machines and there was some confusion among voters about how to use these machines. Also there were reports of idle machines and other machines breaking down, causing long lines in some jurisdictions. Below are particularly troubling examples of the kinds of complaints EP volunteers received:

- There were several reports of voters having problems having their votes recorded properly. Upon reviewing their votes after voting the straight Democratic Party ticket, they found that the vote for President was for Bush and not for Kerry. This was happening on e-Slate machines in Travis and Harris Counties during early voting. [Travis; Harris]
- At an early voting site in Harris County, only four or five of 20 machines were being used and the machines were very slow, which caused some voters to leave altogether. [Harris]

Identification Problems: EP volunteers helped voters with problems and questions related to identification requirements. Many voters asked EP volunteers for information on the identification requirements in Texas. Voters also reported problems with poll workers being confused about or incorrectly implementing identification

requirements. Below are particularly troubling examples of the kinds of complaints EP volunteers received:

- One voter saw a sign at her early voting polling place in Hays County that said registration card and photo ID were needed to vote. The workers weren't asking for ID, but the voter was concerned that the sign would discourage people from voting. (TX law allow persons to vote without their voter registration card if they have a photo ID.) [Hays]
- In Galveston County, during early voting, a voter was turned away because she did not have a voter's registration card. She had photo ID and was not a first-time voter. [Galveston]

Disability Access and Assistance Problems: EP volunteers received questions and complaints related to disability access and assistance. The issues of disability access primarily involved inaccessible polling places and polling places that provided inadequate or no assistance to disabled voters. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A physically-handicapped voter from Arlington, Texas went to three separate early voting sites and found that none of them were accessible for his van. [Tarrant]
- During early voting, a severely disabled voter who was in his 80's was transported with other nursing home residents to vote. They arrived at a polling place where there was no curbside service. The van then went to another polling place, where they were told there was a very long wait for curbside service. By this time, the voter was tired and asked to go home. At this point, his only option for voting was to vote "far away" at his normal polling place. [Tarrant]

Criminal Status Related Problems: EP volunteers answered questions related to getting voting rights restored after a felony conviction. In Texas, those convicted of felonies can vote if they have fulfilled all aspects of their sentence, including parole, and have re-registered to vote.

Student Status Related Problems: EP volunteers answered questions related to student status. Most questions came from voters unsure if they could vote at their home or at their student address, and some complaints were recorded regarding suspected student disenfranchisement. Below is an example of the kinds of complaints EP volunteers received:

- One voter's son, a student attending school in another Texas jurisdiction, was denied the right to vote because he was told he was not on the voter rolls. He had a voter registration card showing

that he was registered to vote in that jurisdiction. Volunteers advised the voter to instruct her son to go back with all his paperwork and to vote with a regular ballot. [Travis]

Ballot Related Problems: Voters contacted EP volunteers about ballot problems. In Texas, many of the problems were associated with voting a straight party ticket. Also, there were some reports of incomplete or unusable ballots. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- A voter from Fort Bend County was given a ballot by an election worker that had already been marked. The poll worker acted as if he had not noticed. The voter complained and, after an extended wait, was eventually given a clean ballot. [Fort Bend]
- There were reports of ballots being incomplete – not including candidates or ballot measures. [Harris]

Language Issues: EP volunteers received complaints about lack of accessibility for voters with limited English skills. Some jurisdictions in Texas are required to provide voting materials in a second language. Below is a particularly troubling example of the kinds of complaints EP volunteers received:

- A woman's Persian-speaking mother, who understands some English, didn't understand how the voting machine works. When the mother asked for assistance, she was shown the Spanish video. The election judge refused to allow the daughter to help her mother saying that it was against the law for the woman, or anyone else, to assist her mother in the voting booth. (TX law allows for anyone to assist voters who cannot understand English as long as they are not their employer, agent of their employer, or officer or agent of their union.) [Harris]

Long Lines: EP volunteers received complaints about long lines. The problem appeared to be caused by an insufficient number of voting booths for the number of voters who turned out. Many of the long lines were reported during the early voting period.

Polling Place Problems: EP volunteers helped voters with problems that arose at the polling place. Many problems related to inadequate staffing and unhelpful poll workers. Some of the issues were reported during Texas's early voting period. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- In Tarrant County, a poll worker reported that the number they were calling at the county to check individuals' registration status was always busy. At this polling place, poll workers could not check a person's status on the computer because they did not have

the CD containing the voter list. Virtually everyone was getting a provisional ballot – increasing the likelihood that the supply would run out. [Tarrant]

- A report came in that voters from Precinct 809 were coming to Precinct 323. Both Precinct 809 and Precinct 323 used to be at the same location. This year, they were separated. Precinct 809 had eight poll workers for only 200 total voters, while Precinct 323 had only three poll workers for “many more voters.” [Harris]

Other: Voters had other kinds of questions that do not fit into any of the above categories. For example:

- One voter reported that his employer would not let him off work to vote. We advised him that Texas law allowed employees two hours off work if polls were not open for two hours outside the voter’s normal work hours. [Harris]

Georgia Election Protection At-a-Glance

Georgia Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in counties across Georgia. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in the following counties, in descending order of number of complaints received:

- Clayton
- DeKalb
- Fulton

Based on the EIRS database, voting problems encountered in Georgia included:

- Voters who registered in voter registration drives who did not appear on voter lists;
- Machine problems;
- Confusion over voter identification requirements;
- Confusion over provisional ballot requirements;
- Long lines and long waits to vote at polling places; and
- Inadequate notice of polling place changes.

Summary of Complaints in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Georgia.

Voter Registration Problems and Questions: EP volunteers helped voters with problems related to voter registration, especially in Clayton, DeKalb, and Fulton counties. Many people reported that they had thought they had registered, but did not appear on voter lists or in the Secretary of State's database. Some of these voters had registered through the Department of Motor Vehicles, others through their high school, and others through independent voter registration drives. Some had received voter registration cards in the mail, but still were not on the lists or in the database.

Other voters experienced problems with their voter registrations having been purged. For instance, one voter received a voter registration card in the mail in June 2004 but was told she had been purged from the rolls. Other voters reported being placed on the "inactive voter" list and either denied the opportunity to vote or directed to cast provisional ballots.

Provisional Ballot Problems: EP volunteers received complaints about provisional ballots from voters, many of whom reported being denied the opportunity to vote by provisional ballot. As with many of the other states, there was confusion among poll workers in Georgia about the implementation of provisional ballot requirements. This confusion led to voters either not being allowed to vote by provisional ballot or to voters having to take extreme measures in order to obtain the provisional ballots. Also, in some cases, polling places did not have provisional ballots available. Below are some examples of the kinds of complaints EP volunteers received:

- A voter in DeKalb County reported registering at the DMV but did not show up on the voter rolls. Poll workers refused to give her a provisional ballot. She insisted that she needed a provisional ballot, and they gave her a telephone number to call to get “authorization.” Another voter in Clayton County was told to go to the county courthouse to receive authorization that she was eligible to vote and cast a provisional ballot there. [DeKalb; Clayton]
- An EP volunteer reported that when she arrived at the polling place she was covering, there were no provisional ballots. When she called the county office, she was told she would have to go downtown to get the ballots herself. She went downtown and the officials there were very rude, but did eventually bring provisional ballots to the polling place. [Dougherty]

Identification Problems: EP volunteers helped voters with problems and questions related to identification requirements. In Georgia, only first-time voters who registered by mail and who did not include a copy of an acceptable form of identification with their registration application must show ID at the polls. Poll workers at several polling places were requiring that all voters show ID, and there was confusion among voters and poll workers over what was acceptable identification.

Long Lines: EP volunteers received complaints about long lines, especially in Clayton County. Long lines and excessive waits often arose because polling places had too few workers or machines or both. Voters were particularly inconvenienced when they waited for long periods to vote, only to be told that they were at the wrong polling place or denied a provisional ballot when they were eligible. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- Some precincts in Fulton County had only four booths at polling places, resulting in long lines. An EP volunteer was told by a poll worker that “there weren't more booths because Secretary of State believes blacks don't vote.” [Fulton]

- A voter in Clayton County waited 3 hours to vote. When he went to work after voting his boss told him to go home because he should have made other arrangements. [Clayton]

Late Poll Openings: EP volunteers received reports of polls opening late or closing early. Below is a particularly troubling example of the kinds of complaints EP volunteers received:

- Polls in Hancock County, GA opened at least 3 hours late. The Republican Party sought and received a mandamus order in GA Supreme Court to close polls on time at 7 p.m. even though GA law allows polls to close late if necessary. [Hancock]

Polling Place Problems: EP volunteers helped voters with problems that arose at the polling place. Many voters complained that they had not been informed their polling place had changed. In some cases, old polling places did not have adequate signage directing voters to their new polling places. Combined with long lines, this was particularly discouraging to voters. Below are some examples of the kinds of complaints EP volunteers received:

- A voter in Clayton County received her voter registration card in June which listed her polling place as “Pt. South.” She waited in line there for two hours and then was told that her location had been changed to Callaway Headquarters. She had also checked the County’s website recently and it was still listing Pt. South. [Clayton]
- A voter in DeKalb County had her designated polling place changed without notice. Meanwhile, her husband's polling place remained the same. The voter lives in same house as her husband, and they had not moved since they registered. [DeKalb]

Louisiana Election Protection At-a-Glance

Louisiana Summary

Election Protection's "Election Incident Reporting System" contains reports of election problems in parishes across Louisiana. As of November 24, 2004, the majority of reports were from voters, volunteers, and even some election officials in Orleans County.

Based on the EIRS database, the voting problems encountered in Louisiana included:

- Incomplete registration rolls at the polling place;
- Machines malfunctioning or broken;
- Confusion by voters and poll workers regarding provisional ballots, including not enough provisional ballots available;
- Long lines, in many cases over 2 hours and in some cases over 7 hours long; and
- Confusion over correct polling place and other polling place practices.

Summary of Complaints in the State

Below is a sampling of the types of questions and complaints recorded in the EIRS database from voters and volunteers in Louisiana.

Voter Registration Problems and Questions: EP volunteers helped voters with problems related to voter registration. Some voters reported that they were not on the registration rolls at their polling place even though they had registered on time, and in some cases had actually received a voter registration card. In these cases, the response from the poll workers varied. Sometimes, the voter was allowed to vote after filling out an affidavit; some voters were given provisional ballots; and some were told they could not vote at all.

Provisional Ballot Problems: EP volunteers received complaints about provisional ballots from voters, many of whom reported being denied the opportunity to vote by provisional ballot. Many voters who found that their names did not appear on the registration rolls reported difficulties in obtaining provisional ballots. In some cases, poll workers did not offer provisional ballots to voters whose names did not appear on the rolls. In other cases, polling places simply did not have any provisional ballots to offer voters. In still other cases, voters were offered provisional ballots, but these ballots did not include the presidential candidates. There were also many reports from around the

state of voters being denied provisional ballots on the grounds that the polling places had run out of them.

Voting Machine Problems: EP volunteers received reports about problems with voting machines. Some polling places had no functioning machines at some points in the day. At other polling places, broken machines meant an insufficient number of functioning machines and long lines for voters. Below is an example of the kinds of complaints EP volunteers received:

- In one polling place in Orleans County, all three machines were down from 6am to 9am. The voter reported that at least 49 people were unable to vote. [Orleans]

Identification Problems: EP volunteers helped voters with problems and questions related to identification requirements. Many reported that they were required to show ID unnecessarily, including those who were not first time voters.

Long Lines: EP volunteers received complaints about long lines, including reports of voters leaving the polls before they voted due to the wait. The problem appeared to be caused by an insufficient number of voting booths for the number of voters who turned out. Below are some particularly troubling examples of the kinds of complaints EP volunteers received:

- One Election Protection worker reported that 85 students at Xavier University signed a complaint form that stated they had to wait over seven hours in line to vote. [Orleans]
- One voter reported that, after waiting in line, she was told she was in the wrong polling place. After waiting in a long line for the second time at the polling place she was directed to, she was told the first polling place was the correct one. [Orleans]

Polling Place Problems: EP volunteers helped voters with problems that arose at the polling place. Some voters reported poll workers following inappropriate procedures at the polling place. One voter reported that even though he was on the voter registration rolls at the poll and had a driver's license, he was not able to vote because he didn't have his voter registration card. (*note:* LA law allows for persons to vote without their registration card if they have photo ID.) Other complaints involved rude and overwhelmed poll workers, such as one case where the poll worker yelled at a line of voters, "Haven't you ever voted before?"